

PARLIAMENT
OF KENYA
LIBRARY



Approved
SNA
19/8/25


REPUBLIC OF KENYA
THE NATIONAL ASSEMBLY

THIRTEENTH PARLIAMENT – FOURTH SESSION- 2025

DEPARTMENTAL COMMITTEE ON TRANSPORT AND INFRASTRUCTURE

REPORT ON:

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

 THE NATIONAL ASSEMBLY PAPERS LAID	
DATE: 19 AUG 2025	DAY: TUESDAY
TABLED BY: CHITMARESON, DEPARTMENTAL COMMITTEE ON TRANSPORT & INFRASTRUCTURE	
CLERK-AT THE-TABLE: WILLS OBIEDO	

Directorate of Departmental Committees
Clerk's Chambers
Parliament Buildings
NAIROBI

AUGUST, 2025

NATIONAL ASSEMBLY
RECEIVED
19 AUG 2025
SPEAKER'S OFFICE
P. O. Box 41842, NAIROBI.

TABLE OF CONTENTS

ABBREVIATIONS	3
LIST OF ANNEXURES	4
1.0 PREFACE	6
1.1 Introduction and Committee Mandate	6
1.2 Committee Subjects and Oversight	7
1.3 Committee Membership	8
1.4 Secretariat	9
CHAPTER TWO	10
2.0 BACKGROUND	10
2.1 Introduction	10
2.2 Overview of the Bill	11
2.3 Situational Analysis	12
CHAPTER THREE	15
3.0 PUBLIC PARTICIPATION / STAKEHOLDER ENGAGEMENT	15
3.1 Submission by the Ministry of Roads and Transport	15
3.2 Submission by the Council of Governors	18
3.3 Submission by the Institute of Engineers of Kenya	22
3.4 Submission by the Kenya Law Reform Commission	25
CHAPTER FOUR	27
4.0 COMMITTEE OBSERVATIONS	27
CHAPTER FIVE	28
5.0 COMMITTEE RECOMMENDATION	28
6.0. SCHEDULE OF AMENDMENTS	29

ABBREVIATIONS

CECM	– County Executive Committee Member
COG	– Council of Governors
CS	– Cabinet Secretary
IEK	– Institute of Engineers of Kenya
KLRC	– Kenya Law Reform Commission
KRB	– Kenya Roads Board
PFM Act	– Public Finance Management Act
RMLF	– Road Maintenance Levy Fund

LIST OF ANNEXURES

Annexure 1: Signed list of Members who attended the sitting that considered and adopted the report

Annexure 2: Minutes of the Committee on sittings to consider the Bill and adoption of the report

Annexure 3: Copy of the Kenya Roads (Amendment) Bill (No. 3) National Assembly Bill No. 34 of 2025)

Annexure 4: Correspondence to stakeholders requesting for submissions on the Bill;

Annexure 5: Newspaper advertisement inviting the public to submit memoranda on the Bill.

Annexure 6: Written submissions from Stakeholders.

CHAIRPERSON'S FOREWORD

The Kenya Roads (Amendment) (No. 3) Bill (National Assembly Bill No. 34 of 2025) was read a First Time on 5th August 2025 and subsequently committed to the Departmental Committee on Transport and Infrastructure for consideration and reporting to the House pursuant to the National Assembly Standing Order 127(1).

While conducting public participation, the Committee placed advertisements in the print media on 6th August, 2025, seeking comments from the public on the Bill pursuant to the provisions of Article 118 of the Constitution and Standing Order 127(3). The Committee also invited relevant stakeholders, namely the Ministry of Roads and Transport; the Council of Governors and the Office of the Attorney General and the Kenya Law Reforms Commission.

The Committee is grateful to the Offices of the Speaker and the Clerk of the National Assembly for the logistical and technical support accorded to it during the consideration of the Bill. I wish to express my appreciation to the Committee Members and the Committee Secretariat for their resilience and devotion to duty, which made the consideration of the Bill successful. Finally, I wish to express gratitude to the Members of the public who submitted their views and comments on the Bill in the course of public participation. Their views and comments indeed were vital in the consideration of the Bill.

On behalf of the Committee and pursuant to the provisions of Standing Order 199 (6), it is my pleasant privilege and honor to present to this House the report of the Committee on its consideration of the Kenya Roads (Amendment) (No. 3) Bill (National Assembly Bill No. 34 of 2025).

HON. GK GEORGE KARIUKI, CBS, MP
CHAIRPERSON

CHAPTER ONE

I.0 PREFACE

I.1 Introduction and Committee Mandate

1. The Departmental Committee on Transport and Infrastructure is established under the National Assembly Standing Orders No. 216 (1). The functions and mandate of the Committee as per Standing Orders, No. 216(5) include: -
 - a) To investigate, inquire into, and report on all matters relating to the mandate, management, activities, administration, operations and estimates of the assigned ministries and departments;
 - b) To study the programme and policy objectives of Ministries and departments and the effectiveness of their implementation;
 - c) To study and review all the legislation referred to it;**
 - d) To study, access and analyse the relative success of the Ministries and departments as measured by the results obtained as compared with their stated objectives;
 - e) To investigate and inquire into all matters relating to the assigned Ministries and departments as they may deem necessary, and as may be referred to them by the House;
 - f) To vet and report on all appointments where the Constitution or any law requires the National Assembly to approve, except those under Standing Order No.204 (Committee on appointments);
 - g) To make reports and recommendations to the House as often as possible, including recommendation of proposed legislation;
 - h) To consider reports of Commissions and Independent Offices submitted to the House pursuant to the provisions of Article 254 of the Constitution; and
 - i) To examine any questions raised by Members on a matter within its mandate.
 - j) To examine treaties, agreements and conventions;
2. The subject matter of the Departmental Committee on Transport and Infrastructure are stated in the Second Schedule of the National Assembly Standing Orders as follows: Transport, including non- motorized transport and maintenance of Roads, rails, air and marine transport, seaports and national integrated infrastructure policies and programmes and transport safety.

1.2 Committee Subjects and Oversight

3. The Committee is mandated to consider the following subjects as per the Second Schedule of the Standing Orders:
 - (i) Transport, including non-motorized transport;
 - (ii) Construction and maintenance of roads;
 - (iii) Rails, air and marine transport; Seaports and national integrated infrastructure
 - (iv) policies and
 - (v) programmes; and
 - (vi) Transport safety.

4. The Committee oversees the Ministry of Roads and Transport which has three (3) State Departments namely:
 - i) The State Department for Roads;
 - ii) The State Department for Transport; and
 - iii) The State Department for Aviation and Aerospace Development.

5. Further, Committee oversees the State Department for Shipping and Maritime Affairs which is under the Ministry of Mining, Blue Economy, and Maritime Affairs.

1.3 Committee Membership

6. The Committee comprises the following Members:

The Hon. G.K. George Kariuki, CBS, M.P - **Chairperson**
Ndia Constituency
United Democratic Alliance Party

The Hon. Mutua Didmus Wekesa Barasa, M.P- **Vice- Chairperson**
Kimilili Constituency
United Democratic Alliance Party

The Hon. Arama Samuel. M.P
Nakuru Town West Constituency
Jubilee Party

The Hon. Abdul Rahim Dawood, M.P.
North Imenti Constituency
Independent

The Hon. Naicca, Johnson Many, CBS, M.P
Mumias West Constituency
Orange Democratic Movement Party

The Hon. Elsie Muhanda, M.P.
Kakamega County
Orange Democratic Movement Party

The Hon. Francis, Kajwang' Tom Joseph,
CBS, MP
Ruaraka Constituency
Orange Democratic Movement Party

The Hon. Chege John Kiragu, M.P.
Limuru Constituency
United Democratic Alliance Party

The Hon. Kiaraho, David Njuguna, M.P. Ol
Kalao Constituency
Jubilee Party

The Hon. Kiunjuri Festus Mwangi, M.P.
Laikipia East Constituency
The Service Party

The Hon. Bady, Bady Twalib, M.P.
Jomvu Constituency
Orange Democratic Movement Party

The Hon. Abdirahman, Husseinweytan
Mohamed, M.P.
Mandera East Constituency
Orange Democratic Movement Party

The Hon. Komingoi Kibet Kirui, M.P.
Bureti Constituency
United Democratic Alliance Party

The Hon. Saney Ibrahim Abdi, M.P
Wajir North Constituency
United Democratic Alliance Party

The Hon. Jhanda Zaheer, M.P
Nyaribari Chache Constituency
United Democratic Alliance

1.4 Secretariat

7. The following Members of Staff service the Committee:

Head of Secretariat
Ms. Tracy Chebet Koskei
Principal Clerk Assistant II

Mr. Mohamednur M. Abdullahi
Clerk Assistant

Ms. Clare Chopper Doye
Clerk Assistant

Mr. Abdinasir Y. Moge
Fiscal Analyst

Mr. Erick Kariuki
Research Officer

Ms. Faith Makena
Serjeant-at-Arms II

Ms. Patricia Gichane
Legal Counsel

Ms. Rinha Saineye
Media Relations Officer

Mr. Danton Kimutai
Audio Officer

CHAPTER TWO

2.0 BACKGROUND

2.1 Introduction

8. The Kenya Roads (Amendment) (No. 3) Bill (National Assembly Bill No. 34 of 2025) is sponsored by the Hon. Peter Kaluma, the Fifth Chairperson of Committees and the Member for Homabay Town. The principal object of the Bill is to amend the **Kenya Roads Act, Cap. 408** to classify public roads into national trunk roads and county roads, and to vest the management of county roads under the county governments.
9. This classification is intended to provide clarity in the maintenance, rehabilitation and development of the road network across the country. The Bill seeks to give effect to paragraph 5(a) of Part 2 of the Fourth Schedule to the Constitution.
10. The Bill also amends section 6 of the **Kenya Roads Board Act Cap 408A** that provides for the objects and purpose of the Board. The consequential amendments to the Kenya Roads Board Act, Cap 408A in section 6(2) paragraph (d) seeks to re-apportion the Fund between the national government agencies and county governments.
11. The Bill further amends section 6 of the Kenya Roads Board Act, Cap 408A by introducing new subsections (3), (4) and (5) that provide for the utilisation of the Fund by county governments and the role of the Board in county road programmes and its power to ensure compliance with the Act.
12. The Bill was introduced following court judgement in **High Court Petition No. E423 of 2024: Council of County Governors & 4 others versus the National Assembly of Kenya & 8 others**. On June 5th, 2025, Justice L.N. Mugambi delivered a judgment in Nairobi, addressing a petition concerning the exclusion of county governments from the Road Maintenance Levy Fund (RMLF). The Court declared the classification of public roads under section 47 of the Kenya Roads Act and Section 6 of the Kenya Roads Board Act unconstitutional, citing violations of Article 186 and Section 18 of Part I of the Fourth Schedule of the Constitution.
13. The court held that the decision by the National Assembly to remove county governments as beneficiaries of the RMLF and conditional grants was a threat to devolution and unconstitutional, including any appropriation of RMLF funds not benefiting county governments. The court emphasized the importance of consultation and collaboration between national and county levels of government.

2.2 Overview of the Bill

14. The Bill contains six (6) Clauses.
15. **Clause 2** proposes to amend Section 2 of the Kenya Roads Act by deleting the definition of “national roads” and substituting therefore a new definition of “national trunk roads” as classified under Part A of the First Schedule, and inserting a new definition of “county roads” as classified under Part B of the First Schedule. The amendment provides for the definition of national roads and county roads.
16. **Clause 3** seeks to amend the principal Act by deleting Section 47 and substituting it with a new provision outlining that a public road shall be classified as set out in the First Schedule, with the Cabinet Secretary responsible for classification, ensuring accurate reflection of function and reasonable access across the country. The Cabinet Secretary shall review classifications at least once every five years. The amendment to the First Schedule provides for national roads and county roads, and vests the power to classify public roads in the Cabinet Secretary.
17. **Clause 4** introduces new Sections 47A and 47B. Section 47A outlines the responsibilities of county governments with regard to county roads, including maintenance, rehabilitation, development, policy implementation, traffic management, and adherence to axle load controls and national standards. Section 47B provides for road signage indicating classification and responsible authority, prescribes dimensions and content of signage, prohibits personal names, images, or likenesses, and prescribes penalties for contravention.
18. **Clause 5** seeks to amend the First Schedule by deleting it and substituting a new classification of public roads. Part A introduces new categories for national trunk roads, including Primary National Trunk Roads (*Class As, Class A, Class B*), Urban Roads (*Class Au, Class Bu, Class Cu*), Rural Roads (*Class C, Special Purpose Roads, Special Roads*). Part B provides for county road classifications, including *Class D, Class E, Class Du, and Class Eu*. The Bill proposes classification based on the functionality of roads.
19. **Clause 6** proposes consequential amendments to Section 6(2) of the Kenya Roads Board Act, redistributing the Road Maintenance Levy Fund among national government agencies and county governments. Amendments include adjusting percentage allocations to various road authorities, creating new sub-paragraphs allocating one and a half percent to the department responsible for roads, and five percent to county governments under Article 202(2) of the Constitution. New subsections require county governments to designate a responsible department, maintain a special purpose account, comply with standards set by the Cabinet Secretary, and submit annual road programmes. The Board is mandated to specify programme formats, monitor and evaluate funded works, and take measures to ensure compliance.

2.3 Situational Analysis

i) Road Classification

20. The Fourth Schedule of the Constitution on distribution of functions between the National Government and County Governments on provisions for transport provides:
- Section 18 of the Fourth Schedule of the Constitution assigns the national government the responsibility of “constructing and operating national trunk roads” within the area of Transport.
 - Section 5 of the Fourth Schedule of the Constitution assigns county governments the responsibility for "County Roads" under the category of County Transport.
21. The Kenya Roads Act, Cap 408, Section 47, along with its First Schedule, classifies public roads in Kenya into three categories: National Roads, Rural Roads, and Urban Roads. All public roads managed by an Authority must be classified according to the First Schedule, which provides this tripartite categorization. Each public road also has a unique number, name, or description for identification within its class nationwide
22. High court ruling delivered on June 5, 2025 in the Case of *Chamao & 4 others v National Assembly of Kenya & 7 others* pronounced that classification of public roads as national roads, rural and urban roads under section 47 of the Kenya Roads Act, No. 2 of 2007 as read with the First Schedule of the Kenya Roads Act, No. 2 of 2007 not only undermines the objectives of devolution but is also unconstitutional for violating Article 186 and section 18 of Part I of the Fourth Schedule of the Constitution. Further, the Court ruling declared section 6 of the Kenya Roads Board Act that establishes the Kenya Rural Roads Authority as unconstitutional. However, the matter has been appealed.
23. This amendment seeks to categorise roads broadly into two categories, namely, National Trunk Roads (part A of the First Schedule) and County Roads (Part B of the First Schedule).
- a) The national trunk roads shall be classified as provided for under part A of the First Schedule as follows:
- A1. National Roads- Primary National Trunk Roads (National Roads)
Class- (As, A, B)
 - A2. Urban Roads- National Trunk Roads (Urban Roads)
Class- (Au, Bu, Cu)
 - A3. Rural Roads- Secondary National Trunk Roads (C), Special Purpose Roads (SP), Security Roads (SR)

b) The County Roads shall be classified as: Class (D, E, Du, Eu).

ii) Consequential amendments to section 6 of the Kenya Roads Board Act, Cap 408A

24. The Kenya Roads Board is established under the Kenya Roads Board Act, 1999. The mandate of the Board is to oversee the road network in Kenya, coordinate maintenance, rehabilitation, and development funded by the Fund, and advise the Cabinet Secretary in charge of roads on all matters related thereto. Furthermore, the Board administers the Roads Maintenance Levy (RMLF) in accordance with Section 6 of the Act.

25. Under the objects and purpose of the Board, section 6(2) (c) of the Kenya Roads Board Act provides that the Board shall manage the Fund and allocate monies from the Fund in the following manner

- I. Fifty per cent of the Fund shall be allocated for the purposes of section 32A which provides for the power to borrow and set aside funds to secure repayments. This Section provides that
 - a. The Board may, with the approval of the Cabinet Secretary and the Cabinet Secretary responsible for matters relating to finance, borrow such monies as may be required for the proper discharge of its functions under this Act.
 - b. The Board may, with the approval of the Cabinet Secretary and the Cabinet Secretary responsible for matters relating to finance, where it is necessary to meet financial demands for maintenance, development and rehabilitation of roads, set aside a portion of the Fund for purposes of securing additional funding.
 - c. The Cabinet Secretary shall make regulations for the better carrying out of this section.
- II. The remaining Fifty per cent of the Fund shall be allocated in accordance with the following criteria indicated in the Table below which indicates the current and proposed sharing criteria of the Proceeds of RMLF:

Entity	Current % Allocation	Proposed % Allocation
KENHA	40%	36%
KURA	15%	14%
KERRA	22% & 10%:32%	21%& 10%: 31%
KWS	1%	1%
KRB	2%	1.5%
Roads Department	-	1.5%
County Governments	-	5%
CS –Critical Interventions	10%	10%
Total	100%	100%

26. The amendment further specifies the modalities regarding the utilisation of the funds by the county governments, including having a dedicated department, opening and maintaining a special purpose account, complying with standards, and submitting to the board an annual roads programme.
27. The amendment further mandates KRB to specify the form and content of the annual roads programme; monitor and evaluate works and services financed by the fund; and take remedial, supplementary or alternative measures to ensure compliance.
28. The Kenya Roads (Amendment) (No.3) Bill, 2025, therefore seeks to classify roads under the two broad categories as specified under the Fourth Schedule of the Constitution that refers to either National Trunk Roads or County Roads. This amendment is in compliance with the Constitutional provisions.
29. Further, the consequential amendment to the Kenya Roads Board Act, Cap. 408A expands the entities that are subject to benefit from the proceeds of RMLF by adding County Governments and the Roads Department, and further making slight adjustments to the percentage allocations to accommodate the added entities.

CHAPTER THREE

3.0 PUBLIC PARTICIPATION / STAKEHOLDER ENGAGEMENT

30. To undertake public participation in the Constitution and Standard Orders, an Advertisement inviting the public to submit memoranda on the Bill was published in the newspaper on Wednesday, 6th August 2025. The Committee also invited comments on the Bill from relevant stakeholders namely, the Ministry of Roads and Transport vide a letter Ref: NA/DDC/IT&I/2025/065 dated 7th August 2025; the Solicitor General and the Kenya Law Reform Commission vide a letter Ref: NA/DDC/IT&I/2025/070 dated 11th August 2025

31. The Committee received submissions from the following stakeholders:

- a) The Ministry of Roads and Transport;
- b) The Council of Governors
- c) The Institute of Engineers of Kenya
- d) Kenya Law Reform Commission

32. The submissions of the stakeholders are outlined below:

3.1 Submission by the Ministry of Roads and Transport

33. The Cabinet Secretary for Roads and Transport, Mr. Davis Chirchir, appeared before the Committee on Thursday, 14th August 2025 and submitted as follows;

34. Over the years, the Roads Sector has had a funding challenge towards the development and maintenance of the Kenyan Road Network. The Roads Maintenance Levy Fund has been primarily utilised for the maintenance of Roads, while development (new construction, upgrading, and major rehabilitation) has been undertaken through exchequer allocations.

35. Due to inadequate budgetary allocation, the pending bills in the sector ballooned to over Kshs 175 billion, leading to stalling of major development works. At the same time, the maintenance of the network was strained due to shortfalls in the Roads Maintenance Levies.

36. The Cabinet Secretary stated that to revive the projects that had stalled, Kenya Roads Board utilized the provisions of Section 32A and sold a portion of the RMLF receivable to a bankruptcy remote SPV which has raised the funds from lenders and the consideration and amounts have been paid to KRB and are now being utilized to accelerate road works that have been in progress.

37. The import of this is that the proposed Amendment Bill will need to be cognizant of the development and maintenance needs of the road network and the need to consolidate the gains made over the years.

38. Specifically, the Ministry's recommendations are premised on the following principles;

- (i) Appreciation of the interdependencies of all parts of the network hence the need to provide support to National and County roads;
- (ii) Consideration of the specific functions and the needs of the roads in the network in the classification and allocation of funds;
- (iii) The sustainability of both development and maintenance initiatives for the country's network; and
- (iv) The safeguarding of public interest through effective enforcement of standards.

39. The Cabinet Secretary submitted that it is against this backdrop that having reviewed the proposed Bill, and in line with the provisions of the fourth Schedule of the Constitution, which provides for the roles and functions of the two levels of Government and specifically:

- (i) Part I sub-section 18 (b) & (c)

Transport and communications, including, in particular

- (b) The construction and operation of national trunk roads;
- (c) standards for the construction and maintenance of other roads by counties

40. For Clause 3 (Classification of Roads), the Cabinet Secretary submitted that the Ministry was in agreement with the amendment as the National Government is responsible for road classification under the Fourth Schedule of the Constitution.

41. For Clause 4 (Responsibilities of County Government), the Cabinet Secretary submitted that the Ministry supported the amendment while noting that County Governments have been obliged to adhere to standards set by the Cabinet Secretary and supported the provision.

42. The Ministry of Roads and Transport proposed the following amendments:

Clause 4

43. That Clause 4 is amended by inserting a new section 47 B to read as follows: ***"A public road shall bear signage including its classification, road code, including the level of Government responsible for its maintenance, rehabilitation and development."***

Justification

44. This is to ensure that a road is identifiable by its class and number, and to also clearly indicate the level of Government responsible for the maintenance, rehabilitation and development of the road.

Committee observation

45. The Committee adopted this amendment.

Clause 5

46. Delete the description for Secondary National Trunk Road C and replace with "***Roads linking major designated towns and forming a continuous network with A and B road.***"

Justification

47. This is to provide for clarity and ensure functionality of roads is embedded in the classification.

Committee Observation

48. The Committee agreed with the amendment.

3.2 Submission by the Council of Governors

49. The Council of Governors made a written submission vide a letter **Ref: COG/6/42 VOL. 8 (34)** dated 12th August 2025, stated as follows;

(i) Alignment with Devolution

50. The Council of Governors stated that the Bill partially aligns with the Constitution of Kenya, 2010, by recognising county roads as a county function under the Fourth Schedule. However, it creates ambiguity regarding county autonomy, centralizes decision-making in the national government, and fails to uphold the spirit of devolution as enshrined in Articles 6(2), 174, 175, and 187 of the Constitution.

ii. Over-centralisation of Classification and Oversight Functions

51. COG stated that the Bill grants the Cabinet Secretary powers to classify and reclassify all roads, including county roads, which contradicts Article 186 and the Fourth Schedule. These provisions assign the function of county roads exclusively to county governments. The COG proposed a joint classification mechanism involving both national and county governments to respect the constitutional status of counties.

iii. Financial Allocation to Counties

52. COG submitted that the Bill imposes conditions on the utilization of funds, such as compliance with standards set by the Cabinet Secretary, which may unduly constrain county autonomy. The COG recommended that counties be allowed to develop their own road maintenance standards, aligned with national policy and standards, as provided for in Article 190 of the Constitution.

iv. Allocation to County Governments

53. The COG proposed that allocations to county governments should not be less than 15% of the total collections from the levy. Additionally, no more than 5% of the county allocations should be used for operations and supervision, in line with provisions for other agencies.

54. The Council of Governors proposed the following Amendments:

Clause 3

55. Amend Clause 3 by deleting subsection (4) of section 47 and inserting a new subsection (4) as follows;

“47(4) The Cabinet Secretary shall in consultation with the county governments through the Council of Governors be responsible for classification of public roads and at least once every five years, review the classification and assignment of public roads.”

Justification

56. COG seeks to ensure that the power given to the CS for classifying public roads is undertaken in consultation with the COG.

Committee observation

57. The Committee adopted this amendment.

Clause 4

58. Proposed that **paragraph (f)** of the proposed Section 47A (1) be deleted, which assigns the oversight of traffic and road safety on county roads to the county government.

Justification

59. Since this is an exclusive county function under the Fourth Schedule of the Constitution, the COG recommended deleting this provision.

Committee observation

60. This section already provides the function of oversight of traffic and road safety on county roads to county governments, this amendment was misplaced.

Clause 4 subsection (2)

61. The CoG proposed that subsection (2) of section 47A be deleted and replaced with the following:

(2) County governments shall implement road policies and standards that are aligned with national frameworks but customized to local contexts as provided in county legislation.

Justification

62. The COG submitted that the provision limits the ability of counties to develop standards suited to their context, contrary to the principle of distinct functions under section 6(2).

Committee observation

63. The Committee rejected this amendment as the standards for the construction and maintenance of other roads by counties are a function of the National Government as per the Fourth Schedule of the Constitution.

Clause 5

64. The COG proposed a new classification of roads as per the proposed First Schedule in their submissions. They also proposed that the description of the roads align with the Urban Areas and Cities Act, especially for Class A and Class C public roads. They therefore submitted that the roads be classified as follows:

(i) National Roads: Primary trunk roads, highways connecting cities, international corridors, major urban arterials, and roads strategic to national security.

(ii) *County Roads: Roads linking sub-county headquarters, inter-ward roads, urban collectors, minor arterials, and local access roads.*

Justification

65. The proposed classification blurs jurisdictional lines between national and county roads. Further, some roads classified as national roads (such as minor urban arterials, collectors) may lie within the functional jurisdiction of counties.

Committee observation

66. The Committee rejected this amendment as the standards for the construction and maintenance of other roads by counties are a function of the National Government as per the Fourth Schedule of the Constitution.

Clause 6

67. The CoG proposed that the Bill be amended in subsection (4) to read “*counties submit their own road programs through their county executive members and to submit to the Board for information and funding allocation.*”

Justification

68. The CoG submitted that the provision undermines the financial and operational autonomy of counties under Article 203 and the Public Finance Management Act.

Committee observation

69. The Committee rejected this proposal as the Board is exercising its mandate as provided in the Act and is not overreaching.

Clause 6 subsection (3)(a) and (b)

70. Delete subsection (3)(a) and (b), which impose administrative requirements on counties, such as designating a department for road maintenance and opening special-purpose accounts.

Justification

71. The COG argued that these are internal administrative matters and should be deleted.

Committee observation

72. The Committee rejected this proposal as this provision promotes the principle of fiscal responsibility in the utilisation of the funds pursuant to Article 201 (d).

Clause 6 (5)

73. Amend the proposed subsection (5) of section 6 by limiting the Board's role to financial accountability monitoring while technical oversight to be undertaken by the respective county government or the Senate.

Justification

74. The Board will overlap the county oversight role and violate Article 183 (3) and 185 of the Constitution.

Committee observation

75. The Committee rejected the proposed amendment as the Board is mandated to oversee the road network in the country, coordinate optimal utilisation of the Fund and also oversee the maintenance, rehabilitation and the road network.

Additionally, the Board is required to conduct technical, financial and performance audits of all works, goods and services funded by the Fund in accordance with section 26 of the Act.

New Clause 7

76. The CoG Proposed consequential amendment to the Kenya Roads Board Act, Cap. 408 to amend section 7 (1) of the Act on the membership of the Board by inserting a new sub-paragraph as follows;

“Three representatives of the County Governments nominated by the Council of Governors”

Justification:

77. This is to include representation of counties in the Kenya Roads Board.

Committee observation

78. The Committee rejected the proposed amendment as it unduly expands the scope of the Bill.

3.3 Submission by the Institute of Engineers of Kenya

79. The **Institute of Engineers of Kenya** made a written submission vide a letter **Ref: IEK/PRE/CEO/MA/3309/2025** dated 12th August 2025 stated as follows;

Clause 2

80. IEK noted that there was need to define the terms “national trunk roads” and “county roads” to distinguish between the two clearly and eliminate ambiguity. For example, Class C roads (linking county headquarters) could overlap with county roads, causing confusion.

Justification:

Clear classification is essential for public and administrative clarity, ensuring proper identification and management of the road network.

Committee observation

The Committee rejected this proposal and the description of the is provided for in the First Schedule of the Bill

Clause 4

81. IEK noted that the Bill mandates County Executive Members (CECMs) to oversee road maintenance, rehabilitation, and development, a structure IEK deems inefficient, mirroring outdated national models. They proposed that section 47A be amended to include the formation of county road agencies similar to the water subsector. The Council also proposed an amendment be included to provide for qualifications for those who shall head such agencies.

82. Further, the Council of Governors proposed that the heads of department in each county government department are professional engineers with experience in Highway Engineering.

Justification

83. This is to ensure effective delivery of county roads, so that funds meant for roads are ring-fenced and also ensure professionalism in the delivery of county roads.

Committee observation

84. The Committee rejected this proposal as it unduly expands scope of the Bill into administrative concerns of the CEC member and qualifications of heads of proposed agencies.

Clause 5

85. On Road Classification and Jurisdiction (Part A & B, Sections A1–A3), the IEK submitted that that the current classification blurs jurisdictional lines and lacks functional clarity.

86. They **proposed** a three-tier classification be established:

- (i) **National Roads:** Principal arterials (major highways) and minor arterials (regional connectors).
- (ii) **County Roads:** Collector roads (linking local areas) and local roads (residential/access roads).
- (iii) **Municipal/City Roads:** Urban-specific categories.

87. They further proposed that each category to have four primary classes that include:

- (i) Principal Arterials
- (ii) Minor Arterials
- (iii) Collector Roads
- (iv) Local Roads

Justification

88. Functional classification aligns with road usage and ensures appropriate management by respective authorities.

Clause 6

89. The IEK noted that counties receive meagre funding despite constitutional mandates for equitable revenue sharing (Articles 201, 202, 203). They proposed that Counties be allocated at least 15% of RMLF, reflecting their 81% share of the road network.

Justification: Constitutional principles and the scale of county responsibilities necessitate proportional funding to prevent network deterioration.

90. The IEK proposed the following adjustments to the apportionment of the RMLF:

(a) *National Trunk Roads: 39% (up from 36%);*

Justification - The reduction from 40% to 36% is substantial and will result in inadequate maintenance of trunk roads. National trunk roads can deteriorate quickly due to the volume of traffic using them.

(b) *Urban Roads: 13% (down from 14%);*

Justification: the national road network under urban areas is significantly lower.

(c) *Roads Department: 0.5% (down from 1.5%).*

Justification: The State Department for Roads is responsible for road infrastructure standards; its mandate is limited, therefore, an allocation of 1.5% is not reasonable.

(d) *County Roads: 9% (up from 5%).*

Justification: County roads as at 2016, form more than 121,000 km out of 161,000 km nationally, which is around 81% of the roads. An allocation of 5% will not have much impact on the maintenance of these roads.

91. IEK also made the following recommendations:

- (i) **Professional Standards:** Ensure all road projects adhere to national engineering standards, with mandatory involvement of registered engineers.
- (ii) **Legislative Clarity:** County and municipal roads should be legislated separately by respective governments to avoid jurisdictional conflicts.
- (iii) **Court Compliance:** Align funding allocations with judicial precedents to avoid legal challenges.

3.4 Submission by the Kenya Law Reform Commission

92. The Kenya Law Reform Commission made a written submission vide a letter **Ref:** KLRC/8/64 VOL. V (21) dated 13th August 2025 stated as follows;
93. On the Kenya Roads Act, Cap 408, regarding Clause 1 (Short Title), the Kenya Law Reforms Commission agrees with the proposed amendments since it is a standard provision in any amendment Bill.
94. On Clause 2 (Amendment of Section 2 – Definitions), the KLRC concurred with the proposed provision as the definitions adhere to international road classification standards and align with paragraph 5(a) of Part 2 of the Fourth Schedule to the Constitution.
95. On Clause 3 (Amendment of Section 47 – Classification of Roads), the KLRC concurred with the proposed amendments as the amendment clearly classifies roads and defines the role of the Cabinet Secretary in reviewing the classification and assignment of public roads.
96. On Clause 4 (Insertion of Sections 47A and 47B – County Road Management), KLRC submitted that it was in agreement with the amendments since the proposal outlines the roles and responsibilities of county governments in managing county roads, as mandated by the Constitution.
97. On Clause 5 (Amendment to the First Schedule – Road Classification Details), the KLRC submitted that it agreed with the amendments noting that the amendment provides a clear classification of national, urban, and rural roads, including detailed delineation of inter-ward roads and routes under county jurisdiction.
98. On the Kenya Roads Board Act, Cap 408A:
- (i) On Clause 6 (Consequential Amendments to Section 6(2) – Fund Allocation) KLRC concurs with the provision with a note of caution, since the amendment adjusts the allocation of RMLF funds to reflect the new road classifications. However, the KLRC recommended further consultation among the Cabinet Secretary for Finance, the Cabinet Secretary for Transport, and the Kenya Roads Board to ensure that fund allocations are pegged to specific road categories and needs.
99. In conclusion, KLRC submitted that it supported the Bill as it aligns with constitutional provisions, particularly paragraph 5(a) of Part 2 of the Fourth Schedule. However, the Commission emphasized the need for:
- (i) **Public Participation:** Further engagement with stakeholders, including the Ministry of Finance, Ministry of Transport, and Kenya Roads Board, to ensure transparent and equitable allocation of RMLF funds.

- (ii) **Financial Clarity:** Detailed discussions on the percentage allocations to different road categories to ensure adequate funding for maintenance, rehabilitation, and development

CHAPTER FOUR

4.0 COMMITTEE OBSERVATIONS

100. The Committee, having had engagements with stakeholders and considered submissions received, made the following observations;

- 1) The Kenya Roads (Amendment) (No.3) Bill, 2025 was introduced to comply with the court judgement in High Court Petition No. E423 of 2024: Council of County Governors & 4 others versus the National Assembly of Kenya & 8 others. The High Court decision declared the previous road classification framework unconstitutional. The amendments attempt to remedy shortcomings by aligning with Constitutional principles on devolution and equitable sharing of resources;
- 2) The Bill seeks to classify roads under the two broad categories as specified under the Fourth Schedule of the Constitution, that refers to either National Trunk Roads or County Roads;
- 3) The Committee observed that vesting exclusive classification authority in the Cabinet Secretary, without a clear set-out criteria, risks conferring arbitrary powers by granting excessive discretion. The Committee emphasised the need to incorporate a consultative mechanism to ensure that the Cabinet Secretary's decisions are guided by objective criteria and aligned with constitutional requirements;
- 4) The provisions of the Bill grant county governments responsibility over county roads, while adhering to compliance with standards set by the Cabinet Secretary, as per the Fourth schedule of the Constitution Part I paragraph 18 (c). The Committee noted that provisions requiring counties to maintain special-purpose accounts and designate a department responsible for the rehabilitation of county roads seek to promote transparency and accountability in line with Article 201 of the Constitution;
- 5) The proposals to expand the membership of the Kenya Roads Board to include county government representatives were noted but found to fall outside the scope of the Bill; and
- 6) The re-apportionment of the Roads Maintenance Levy Fund (RMLF) to include county governments (5%) is a positive step towards strengthening devolution. The Committee observed that this allocation is adequate to support county governments in fulfilling their mandate on county roads, provided that the funds are managed transparently and complemented by equitable revenue sharing under Article 202 of the Constitution.

CHAPTER FIVE

5.0 COMMITTEE RECOMMENDATION

101. The Committee, having had engagements with stakeholders and considered submissions received, recommends that the House **approves** the Kenya Roads (Amendment) (No. 3) Bill (National Assembly Bill No. 34 of 2025 with amendments as per the Schedule of amendments forming Chapter 6 of this report.

6.0. SCHEDULE OF AMENDMENTS

102. Upon considering the Kenya Roads (Amendment) Bill, 2025, National Assembly Bill No. 34 of 2025 and submissions from stakeholders, the Committee proposes the following amendments:

I. CLAUSE 3

103. **THAT** Clause 3 of the Bill be amended by deleting subsection (4) of the proposed section 47 and inserting a **new subsection (4)** as follows;

47(4) The Cabinet Secretary shall, in consultation with the relevant county government, be responsible for classification of public roads and at least once every five years, review the classification and assignment of public roads.

Justification:

104. The National Government is charged with the responsibility for standards of public roads for both level of government. Classification of roads is an element of roads standards which may take into consideration several factors such as the road functions, traffic levels, levels of service and right of way / wayleaves among others. The amendment seeks to create a consultative mechanism between the relevant county government and the Cabinet Secretary's when classifying roads and reviewing the classification of roads.

II. CLAUSE 4

105. **THAT** Clause 4 of the Bill be amended in subsection (1) of the proposed section 47B by inserting the term "road code" after the term "classification".

47B. (1) A public road shall bear signage indicating its classification, road code including the level of government responsible for its maintenance, rehabilitation and development.

Justification:

106. The amendment seeks to ensure that the road is identified by its class and number.

III. CLAUSE 5

107. **THAT** Clause 5 of the Bill be amended in Part A of the proposed First Schedule that provides for National Trunk Roads in Class Cu under part A2 on National Trunk Roads (Urba Roads) by inserting the term "towns and " after the term "main" and before the term "residential areas"—

A3. Urban Roads-

National Trunk Roads

*Class Cu- Major urban collectors that provide the link between arterials and county roads, distributing traffic to residential and other defined zones, typically taking the form of radial roads between arterials or spine roads serving the main **towns and** residential areas or other defined zones.*

Justification:

108. The amendment seeks to provide a concise and clear description of the proposed Class Cu.

IV. CLAUSE 5

109. **THAT** Clause 5 of the Bill be amended in Part A of the proposed First Schedule that provides for National Trunk Roads by deleting Class C under part A3 on Secondary National Trunk Roads and inserting the following new description—

A3. Rural Roads- Secondary National Trunk Roads C (Secondary national trunk roads)- Roads linking major designated towns and forming a continuous network with A and B roads.

Justification:

110. The amendment seeks to provide a concise and clear description of the proposed Class C.

V. CLAUSE 5

111. **THAT** Clause 5 of the Bill be amended in Part A of the proposed First Schedule that provides for National Trunk Roads by inserting under part A3 on Secondary National Trunk Roads, the following new class, immediately after Class Security Roads SR—

Last Mile City Roads LM — **A3. Rural Roads- Secondary National Trunk Roads**
Last Mile City Roads LM - Notwithstanding classification of Urban Roads, link roads providing last mile connections in cities by collecting substantial traffic from arterials and conveying the same to residential terminals so as to form a contiguous network between residential areas and estates or other defined zones.

Justification:

112. The amendment seeks to provide a new class of roads within urban areas that provide for last mile connectivity.

VI. CLAUSE 6

113. **THAT** Clause 6 of the **Bill be amended in paragraph (a)** by deleting the term “twenty one percent” and substituting therefor with the term “twenty five percent”.

Justification:

114. The amendment seeks to provide for an increase in disbursement of the Constituency Road Fund that is administered by the Rural Roads Authority (KERRA), which is an equitable fund.

VII. CLAUSE 6

115. **THAT** Clause 6 of the Bill be amended **by inserting a new paragraph (aa)** immediately after paragraph (a) as follows—

(aa) deleting the words “ten percent” appearing in sub-paragraph(ii) and substituting therefor the words “seven percent”.

Justification:

116. The amendment seeks to provide a reduction to the allocation to national roads administered by Kenya Rural Roads Authority for the maintenance and development of link roads.

VIII. CLAUSE 6

117. **THAT** Clause 6 of the Bill be **amended in paragraph (b)** by deleting the term “thirty-six percent” and inserting the term “thirty eight percent”.

Justification:

118. The amendment seeks to provide an increase to the allocation to national roads administered by the National Highway Authority due to the large road network under KENHA.

IX. CLAUSE 6

119. **THAT** Clause 6 of the Bill **be amended in paragraph (e)** by inserting a **new sub-paragraph (ix)** as follows—

(ix)The cabinet secretary shall, in his discretion, consider objective criteria such as maintaining overall roads equity, emergency, primary oversight, audit or administration expense, amongst others, in utilization of funds allocated under sub-paragraph (vii).

Justification:

120. To introduce objective criteria for the exercise of discretionary consideration in the utilization of the Cabinet Secretary’s allocation consistent with good governance.

X. CLAUSE 6

121. **THAT** Clause 6 of the Bill **be amended in paragraph (f)** in the proposed **new sub section (3)** by inserting a new paragraph (da) as follows—

(da) The Kenya Roads Board shall not approve disbursement of funds unless the relevant county government has met the requirements set out in subsection (3) (a) and (b).

Justification:


122. The amendment seeks to provide for conditions before the disbursement of the funds to the county government to ensure financial prudence and accountability.

XI. CLAUSE 6

123. **THAT** Clause 6 of the Bill **be amended in paragraph (f)** in the proposed **new sub section (4)(a)** by deleting the term "3(c)" and inserting the term "3(d)".

Justification:

124. The amendment seeks to provide for the accurate reference to the annual road programme that is provided in subsection 3 (d).

SIGNED  DATE 19/8/2025

HON. GK GEORGE KARIUKI, CBS, M.P.

CHAIRPERSON, DEPARTMENTAL COMMITTEE ON TRANSPORT AND INFRASTRUCTURE



Annexure I: Signed list of Members who attended the sitting that considered and adopted the report



REPUBLIC OF KENYA THE
NATIONAL ASSEMBLY

13TH PARLIAMENT - FOURTH SESSION - 2025

DEPARTMENTAL COMMITTEE ON TRANSPORT AND INFRASTRUCTURE

MEMBERS ADOPTION SCHEDULE

DATE: 18-08-2025 START: 2:40pm END: 5:00pm

VENUE: Committee Room 2, 1st Floor, Bunge Tower

AGENDA: Adoption of the Report on the Kenya Roads (Amendment) Bill, National Assembly Bill No. 34 of 2025

NO.	NAME	SIGNATURE
1.	The Hon. GK George Kariuki, CBS, MP – Chairperson	
2.	The Hon. Didmus Barasa, MP- Vice Chairperson	
3.	The Hon. Kiunjuri, Festus Mwangi, MP	
4.	The Hon. Abdul Rahim Dawood, MP	
5.	The Hon. Arama Samuel, MP	
6.	The Hon. Bady, Bady Twalib, MP	
7.	The Hon. Francis, Kajwang' Tom Joseph, CBS, MP	
8.	The Hon. Kiaraho, David Njuguna, MP	
9.	The Hon. Naicca, Johnson Many, CBS, MP	
10.	The Hon. Chege, John Kiragu, MP	
11.	The Hon. Elsie Muhanda, MP	
12.	The Hon. Saney, Ibrahim Abdi, MP	
13.	The Hon. Hussein Weytan Mohamed, MP	
14.	The Hon. Jhanda Zaheer, MP	
15.	The Hon. Komingoi, Kibet Kirui, MP	

Annexure 2: Minutes of the Committee on sittings to consider the Bill and adoption of the report



THIRTEENTH PARLIAMENT - FOURTH SESSION - 2025
DIRECTORATE OF DEPARTMENTAL COMMITTEES

**MINUTES OF THE THIRTY-FOURTH SITTING OF THE DEPARTMENTAL COMMITTEE
ON TRANSPORT AND INFRASTRUCTURE HELD ON THURSDAY, 14TH AUGUST 2025
AT COMMITTEE ROOM 24,5TH FLOOR, BUNGE TOWER AT 9:00 AM**

MEMBERS PRESENT

1. The Hon. GK George Kariuki, CBS, M.P. – **Chairperson**
2. The Hon. Kiunjuri Festus Mwangi, M.P.
3. The Hon. Abdul Rahim Dawood, M.P
4. The Hon. Arama Samuel, M.P
5. The Hon. Francis, Kajwang' Tom Joseph, CBS, M.P.
6. The Hon. Bady, Bady Twalib, M.P.
7. The Hon. Muhanda Elsie, M.P
8. The Hon. Chege John Kiragu, M.P
9. The Hon. Kiaraho, David Njuguna, MP.
10. The Hon. Saney Ibrahim Abdi, M.P.
11. The Hon. Hussein Weytan Mohamed, MP
12. The Hon. Jhanda Zaheer, M.P
13. The Hon. Komingoi Kibet Kirui, M.P

APOLOGIES

1. The Hon. Didmus Wekesa Barasa, M.P. – **Vice-Chairperson**
2. The Hon. Naicca, Johnson Many, CBS, MP

IN-ATTENDANCE

MINISTRY OF ROADS AND TRANSPORT

- | | |
|-----------------------|---|
| 1. Mr. Davis Chirchir | - Cabinet Secretary, Roads and Transport |
| 2. Eng. Joseph Mbugua | - Principal Secretary, State Department for Roads |
| 3. Ms. Terry Mbaika | - Principal Secretary, State Department for Aviation and Aerospace
Development |
| 4. Mr. Rashid Mohamed | - Director General, Kenya Roads Board |
| 5. Mr. George Mogaka | - Kenya Civil Aviation Authority |

SECRETARIAT

- | | |
|--------------------------------|--------------------------------|
| 1. Ms. Chebet Koskei | - Principal Clerk Assistant II |
| 2. Mr. Ronald Walala | - Senior Legal Counsel |
| 3. Mr. Mohamednur M. Abdullahi | - Clerk Assistant III |
| 4. Mr. Erick Kariuki | - Research Officer |
| 5. Ms. Patricia Gichane | - Legal Counsel |
| 6. Ms. Rina Saineye | - Media Relations Officer |
| 7. Mr. George Maina | - Intern |

MIN./NO.169/NA/T&I/2025:

PRELIMINARIES

The meeting was called to order at twenty minutes past Nine O'clock (9:20 am) with prayer by the Chairperson. Thereafter, the Agenda of the meeting was adopted after being proposed by the Hon. Kibet Kirui Komingoi, MP, and seconded by the Hon. Chege John Kiragu, M.P, as follows:

AGENDA

1. Prayers
2. Preliminaries;
 - i. Adoption of the Agenda
 - ii. Remarks by Chairperson
3. Confirmation of Minutes/Matters Arising;
4. **Consideration of the report on the Air Passenger Service Charge (Amendment) Bill (National Assembly Bill No. 35 of 2025)**
5. **Meeting with Cabinet Secretary for Roads and Transport to receive submission on the Kenya Roads (Amendment) Bill (National Assembly Bill No. 34 of 2025)**
6. Pending Business
7. Any Other Business
8. Adjournment

MIN./NO.170/NA/T&I/2025:

CONFIRMATION OF MINUTES OF THE PREVIOUS SITTING

This agenda was deferred

9. **MIN./NO.171/NA/T&I/2025: CONSIDERATION OF THE REPORT ON THE AIR PASSENGER SERVICE CHARGE (AMENDMENT) BILL (NATIONAL ASSEMBLY BILL NO. 35 OF 2025)**

The Committee considered and adopted its report on the Air Passenger Service Charge (Amendment) Bill, 2025 after being proposed and seconded by the Hon. Abdul Rahim Dawood, MP and the Hon. Chege Kiragu, MP respectively.

The Committee made the following observations and recommendations;

Committee observations

- 1) The proposed amendment aims to reallocate the proceeds originally designated for the Tourism Promotion Fund (TPF) to the Tourism Fund established under the Tourism Act (CAP. 381) to provide for the allocation of proceeds derived from the air passenger service charge to the Tourism Fund, the Kenya Meteorological Service Authority, in addition to the Kenya Airports Authority and the Kenya Civil Aviation Authority.
- 2) The Kenya Meteorological Service Authority is a proposed entity that will be established under the Meteorology Bill 2023, which the Senate Majority Leader sponsors. At the time of considering this report, the National Assembly had passed the Senate Bill with proposed amendments. If this amendment to the Air Passenger Service Charge Act (Cap. 475) passes earlier than the creation of the Authority, funds will be earmarked for an entity that is legally non-existent;
- 3) The Aeronautical Meteorology Division of the Kenya Meteorological Department (KMD) is essential to the safety, efficiency, and regularity of both national and international air navigation. KMD provides accurate, real-time meteorological information and briefings to pilots, air traffic controllers, and airport operators; and
- 4) The Air Passenger Service Charge Act (Cap. 475) provides that all proceeds of the air passenger service charge shall be apportioned among the entities in such manner as the Cabinet Secretary may, by notice in the *Gazette*, specify. As the aviation sector continues to expand, the revenue generated from this charge is expected to increase significantly. This growth highlights the need for Parliament to enact legislation that clearly defines an equitable formula for sharing these funds.

Committee Recommendation

The Committee, having had engagements with stakeholders and considered submissions received, recommends that the House **approves** the Air Passenger Service Charge (Amendment) Bill (National Assembly Bill No. 35 of 2025) with amendments as follows;

CLAUSE 2

THAT Clause 2 of the Bill be amended by—

- (a) inserting the word 'and' immediately after the words "Kenya Civil Aviation Authority"
- (b) deleting the words "and the Kenya Meteorological Service Authority" appearing after the words "Tourism Fund".

Justification:

The amendment seeks to ensure that the Bill does not allocate public funds to a non-existent Authority by removing reference to the Kenya Meteorological Service Authority that is yet to be established in statute.

MIN./NO.172/NA/T&I/2025: MEETING WITH CABINET SECRETARY FOR ROADS AND TRANSPORT TO RECEIVE SUBMISSION ON THE KENYA ROADS (AMENDMENT) BILL (NATIONAL ASSEMBLY BILL NO. 34 OF 2025)

The Cabinet Secretary for Roads and Transport, Mr. Davis Chirchir appeared before the Committee on and submitted as follows;

That over the years, the Roads Sector has had a funding challenge towards the development and maintenance of the Kenyan Road Network. The Roads Maintenance Levy Fund has been principally utilised for maintenance of Roads, while the development (new construction, upgrading and major rehabilitation) has been undertaken through the exchequer allocations.

Due to inadequate budgetary allocation, the pending bills in the sector ballooned to over Kshs 175 billion, leading to stalling of major development works. At the same time, the maintenance of the network was strained due to shortfalls in the Roads Maintenance Levies.

The Cabinet Secretary stated that to revive the projects that had stalled, Kenya Roads Board utilized the provisions of Section 32A and sold a portion of the RMLF receivable to a bankruptcy remote SPV which has raised the funds from lenders and the consideration and amounts have been paid to KRB and are now being utilized to accelerate road works that have been in progress.

The import of this is that the proposed Amendment Bill will need to be cognizant of the development and maintenance needs of the road network and the need to consolidate the gains made over the years.

Specifically, the Ministry's recommendations are premised on the following principles;

- (i) Appreciation of the interdependencies of all parts of the network hence the need to provide support to National and County roads;
- (ii) Consideration of the specific functions and the needs of the roads in the network in the classification and allocation of funds;
- (iii) The sustainability of both development and maintenance initiatives for the country's network; and
- (iv) The safeguarding of public interest through effective enforcement of standards.

The Cabinet Secretary submitted that it is against this backdrop that having reviewed the proposed Bill, and in line with the provisions of the fourth Schedule of the Constitution, which provides for the roles and functions of the two levels of Government and specifically:

- i. Part I sub-section 18 (b) & (c)

Transport and communications, including, in particular

(b) The construction and operation of national trunk roads;

(c) standards for the construction and maintenance of other roads by counties

For Clause 3 (Classification of Roads), the Cabinet Secretary stated that the National Government is responsible for road classification under the Fourth Schedule of the Constitution, and agreed with the proposed amendment.

For Clause 4 (Responsibilities of County Government), the Cabinet Secretary stated that County Governments must adhere to standards set by the Cabinet Secretary and supported the provision.

For Section 4 (Road Signage), the Cabinet Secretary proposed that public roads should display signage indicating classification, road code, and the responsible government level for maintenance.

For Section 5 (First Schedule Amendment), the Cabinet Secretary expressed agreement with the functional classification of the Road Network. The Cabinet Secretary proposed revising the description of Secondary National Trunk Road C to: "Roads linking major designated towns and forming a continuous network with A and B roads."

For Section 6 (Allocation of RMLF Funds), the Cabinet Secretary stated that the allocation criteria were generally acceptable. The Cabinet Secretary supported allocating 1.5% of funds to the Department responsible for Roads to ensure compliance with standards through monitoring and audits.

Members concerns

Members noted that the Bill provides clearer distinctions between national trunk roads and county roads. However, concerns remain that overlaps in classification (e.g., Class C and some urban roads) may cause jurisdictional conflicts.

Members stated that while the Bill recognises county governments' role in road management, some provisions centralise functions under the Cabinet Secretary and the Kenya Roads Board. This raises questions on whether the Bill fully supports devolution under the Constitution.

Members opposed the proposed allocation of 1.5% to Roads Department.

MIN./NO.173/NA/TI/2025: ADJOURNMENT/DATE OF THE NEXT MEETING

There being no other business, the meeting was adjourned at half past Two O'clock (2:30 pm). The next meeting will be held on notice.

SIGNED..........DATE.....18/8/25.....

**HON. GK GEORGE KARIUKI, CBS, MP
CHAIRPERSON**



THIRTEENTH PARLIAMENT - FOURTH SESSION - 2025
DIRECTORATE OF DEPARTMENTAL COMMITTEES

**MINUTES OF THE THIRTY-THIRD SITTING OF THE DEPARTMENTAL COMMITTEE ON
TRANSPORT AND INFRASTRUCTURE HELD ON TUESDAY, 12TH AUGUST 2025 AT
COMMITTEE ROOM 2, 1ST FLOOR, BUNGE TOWER AT 10:00 AM**

MEMBERS PRESENT

1. The Hon. GK George Kariuki, CBS, M.P. – **Chairperson**
2. The Hon. Kiunjuri Festus Mwangi, M.P.
3. The Hon. Abdul Rahim Dawood, M.P
4. The Hon. Arama Samuel, M.P
5. The Hon. Francis, Kajwang' Tom Joseph, CBS, M.P.
6. The Hon. Muhanda Elsie, M.P
7. The Hon. Chege John Kiragu, M.P
8. The Hon. Kiaraho, David Njuguna, MP.
9. The Hon. Saney Ibrahim Abdi, M.P.
10. The Hon. Hussein Weytan Mohamed, MP
11. The Hon. Komingoi Kibet Kirui, M.P

APOLOGIES

1. The Hon. Didmus Wekesa Barasa, M.P. – **Vice-Chairperson**
2. The Hon. Bady, Bady Twalib, M.P.
3. The Hon. Naicca, Johnson Many, CBS, MP
4. The Hon. Jhanda Zaheer, M.P

SECRETARIAT

- | | |
|--------------------------------|--------------------------------|
| 1. Ms. Chebet Koskei | - Principal Clerk Assistant II |
| 2. Mr. Ronald Walala | - Senior Legal Counsel |
| 3. Mr. Mohamednur M. Abdullahi | - Clerk Assistant III |
| 4. Mr. Erick Kariuki | - Research Officer |
| 5. Ms. Patricia Gichane | - Legal Counsel |
| 6. Ms. Rina Sainey | - Media Relations Officer |
| 7. Mr. George Maina | - Intern |

MIN./NO.163/NA/T&I/2025:

PRELIMINARIES

The meeting was called to order at twenty minutes past Ten O'clock (10:20 am) with prayer by the Chairperson. Thereafter, the Agenda of the meeting was adopted after being proposed by the Hon. Kibet Kirui Komingoi, MP, and seconded by the Hon. Chege John Kiragu, M.P, as follows:

AGENDA

1. Prayers
2. Preliminaries;
 - i. Adoption of the Agenda
 - ii. Remarks by Chairperson
3. Confirmation of Minutes/Matters Arising;
4. **Briefing by the Legal Counsel on the following Bills:**
 - i. **The Kenya Roads (Amendment) Bill (National Assembly Bill No. 34 of 2025) sponsored by Hon. Peter Kaluma, CBS, MP on behalf of the General Legislative Caucus;**
 - ii. **The Air Passenger Service Charge (Amendment) Bill (National Assembly Bill No. 35 of 2025) sponsored by the Leader of the Majority Party**
5. Pending Business
6. Any Other Business
7. Adjournment

MIN./NO.164/NA/T&I/2025:

CONFIRMATION OF MINUTES OF THE PREVIOUS SITTING

This agenda was deferred

MIN./NO.165/NA/T&I/2025:

CONSIDERATION OF THE KENYA ROADS (AMENDMENT) BILL (NATIONAL ASSEMBLY BILL NO. 34 OF 2025)

The Legal Counsel informed the Committee that the Kenya Roads (Amendment) Bill, 2025, sponsored by Hon. Peter Kaluma, MP, seeks to amend the Kenya Roads Act, Cap. 408, to classify public roads into national trunk roads and county roads, vesting the management of county roads under county governments.

The Bill aims to provide clarity in the maintenance, rehabilitation, and development of the road network, aligning with paragraph 5(a) of Part 2 of the Fourth Schedule to the Constitution.

The Bill also proposes amendments to Section 6 of the Kenya Roads Board Act, Cap 408A, to re-apportion the Road Maintenance Levy Fund (RMLF) between national government agencies and county governments. New subsections (3), (4), and (5) are introduced to outline the utilization of the Fund by county

governments and the Board's role in ensuring compliance.

The Legal Counsel brought to the attention of the Committee that the amendments follow the High Court judgment in Petition No. E423 of 2024: Council of County Governors & 4 others vs. the National Assembly of Kenya & 8 others, where the court declared the exclusion of county governments from the RMLF unconstitutional, citing violations of Article 186 and the Fourth Schedule of the Constitution. The court emphasized the need for consultation and collaboration between national and county governments to uphold devolution.

The Legal Counsel informed the Committee that the proposed amendments to the Kenya Roads Act seek to clarify and streamline the classification and management of public roads in Kenya.

The amendments are structured into several clauses, each addressing specific aspects of the Act as follows;

Clause 2: Interpretation

The Legal Counsel brought to the attention of the Committee that Clause 2 proposes amendments to Section 2 of the Kenya Roads Act (referred to as the "principal Act"). The amendments include:

- Deleting the definition of the term "national roads" and substituting it with a new definition:
- "national trunk roads" means national trunk roads as classified under Part A of the First Schedule.
- Inserting a new definition for "county roads" in its proper alphabetical sequence:
- "county roads" means county roads as classified under Part B of the First Schedule.

The Legal Counsel noted that these amendments provide clear definitions for national and county roads, aligning with the functional classification outlined in the First Schedule.

Clause 3: Roads to be Classified

The Legal Counsel informed the Committee that Clause 3 proposes to delete Section 47 of the principal Act and substitute it with a new section. The new Section 47 stipulates that:

- A public road shall be classified in the manner set out in the First Schedule to the Act.
- Where a new public road is established, the responsible Authority or county government shall submit a written request to the Cabinet Secretary for classification.
- The Cabinet Secretary shall ensure that the classification accurately reflects the function served by the public road and that all parts of the country have reasonable access to a national trunk road or a county road.
- The Cabinet Secretary shall be responsible for the classification of public roads and shall review the classification at least once every five years.

The Legal Counsel highlighted that this amendment centralizes the classification authority with the Cabinet Secretary while ensuring equitable access to roads nationwide.

Clause 4: New Sections 47A and 47B

The Legal Counsel brought to the attention of the Committee that Clause 4 proposes the insertion of new sections immediately after Section 47:

Section 47A: Responsibilities of County Governments

- Each county government shall, within its jurisdiction:
- Maintain, rehabilitate, and develop county roads.
- Manage road reserves and facilitate access to roadside developments.
- Implement road policies for county roads.
- Ensure adherence to axle load control rules and guidelines.
- Ensure the quality of county road works complies with national standards.
- Oversee traffic and road safety management on county roads.
- Collect and collate data related to county roads for planning purposes.
- Monitor and evaluate the use of county roads.
- Plan the development and maintenance of county roads.
- Prepare county investment and annual road works programmes.
- Coordinate with other road Authorities or agencies.
- County governments shall implement national policies, standards, and guidelines issued by the Cabinet Secretary.
- The county executive committee member responsible for roads shall oversee these functions.

Section 47B: Road Signage

- A public road shall bear signage indicating its classification and the level of government responsible for its maintenance.
- The Cabinet Secretary shall prescribe the dimensions and additional information for signage.
- No person shall erect signage containing their name, image, or likeness.
- Violations of this provision shall attract a fine not exceeding one million shillings or imprisonment for up to two years, or both.

The Legal Counsel emphasized that these provisions clarify the roles of county governments and standardize road signage.

Clause 5: First Schedule

The Legal Counsel informed the Committee that Clause 5 proposes to delete the existing First Schedule and substitute it with a new classification system:

Part A: Classification of National Trunk Roads

AI. National Roads:

- Class As: Highways connecting cities, towns, etc., with grade separation and access control.
- Class A: Roads linking international boundaries and terminals (ports, airports).

- Class B: Roads forming national routes, linking county headquarters and cities.

A2. Urban Roads:

- Class Au: Major urban arterials in cities.
- Class Bu: Minor urban arterials.
- Class Cu: Major urban collectors.

A3. Rural Roads:

- Class C (Secondary national trunk roads): Roads linking sub-county headquarters.
- Class SP (Special purpose roads): Roads accessing places of national importance.
- Class SR (Special roads): Roads strategic to national security.

Part B: Classification of County Roads

- Class D: Inter-ward roads.
- Class E: Roads providing last access to villages and homes.
- Class Du: Main shopping and business streets in urban areas.
- Class Eu: Local residential streets.

The Legal Counsel noted that this reclassification aligns road categories with their functional roles.

Clause 6: Amendments to the Kenya Roads Board Act

The Legal Counsel brought to the attention of the Committee that Clause 6 proposes consequential amendments to Section 6(2) of the Kenya Roads Board Act, Cap 408A, to redistribute the Road Maintenance Levy Fund. Key changes include:

- Reducing the allocation to the Constituency Roads Fund from 22% to 21%.
- Reducing the allocation to national roads from 40% to 36%.
- Reducing the allocation to urban roads from 15% to 14%.

Introducing new allocations:

- 1% for roads in national parks and reserves (administered by Kenya Wildlife Service).
- 1.5% for the recurrent expenditure of the Board.
- 1.5% for the department responsible for roads under the Constitution.
- 5% to county governments under Article 202(2) of the Constitution.

The Legal Counsel also highlighted new subsections requiring county governments to:

- Designate a department for road maintenance.
- Open a special purpose account at the Central Bank of Kenya.
- Comply with national standards.
- Submit annual road programmes to the Board.

The Board is empowered to monitor compliance and take remedial measures.

The Legal Counsel concluded by summarizing that the proposed amendments aim to enhance clarity, efficiency and accountability in road classification, management and funding. The Committee was urged to consider these changes in light of their potential impact on national and county road infrastructure.

Members concerns and Clarification

i. Sponsorship of a Committee mandated Bill by a Legislative Caucus Member

Members raised concerns about another Member, acting on behalf of a general legislative caucus, sponsoring a bill that falls under the mandate of this Committee, especially when the Committee itself has the capacity to handle the matter. The Legal Counsel referred Members to Standing Order 259A, which states: "The Speaker may, upon written request, recognize a parliamentary caucus formed for the purpose of advancing a common legislative objective. The Legal Counsel further clarified that, the Committee's mandate remains intact despite the caucus's involvement, the Committee will still be responsible for conducting public participation, scrutinizing the Bill and reporting to the House. The Committee's report will inform discussions during the Second Reading, ensuring that the technical and consultative role of the Committee is preserved.

ii. Disadvantage to Agricultural Regions

Members questioned whether the removal of some existing classifications for instance coffee, tea and wheat access roads would disadvantage other agricultural regions. The Legal Counsel advised the Committee to seek clarification from the Cabinet Secretary during his appearance before the Committee on Thursday, 14th August 2025.

iii. Proposed funding

Members raised concerns on two parts of the proposed funding plan:

- (a) The 1.5% allocation to the roads department (Section 6(2)(d)(vii)) was criticized for creating a parallel funding structure outside the Kenya Roads Board's direct oversight, potentially leading to duplication of roles and lack of accountability.
- (b) The 10% Cabinet Secretary allocation, Members noted that no law provides for such an allocation.

iv. Authority to classify roads

Members raised concerns on the provision granting the Cabinet Secretary authority to classify roads, arguing this undermines devolution by encroaching on counties' constitutional mandate over their own roads under Schedule Four of the Constitution. Members noted that this could lead to arbitrary reclassification of county roads without the County being consulted.

MIN./NO.166/NA/T&I/2025: CONSIDERATION OF THE AIR PASSENGER SERVICE CHARGE (AMENDMENT) BILL (NATIONAL ASSEMBLY BILL NO. 35 OF 2025) SPONSORED BY THE LEADER OF THE MAJORITY PARTY

The Legal Counsel informed the Committee that the Air Passenger Service Charge (Amendment) Bill, 2025, sponsored by the Hon. Kimani Ichungwah, CBS, Member of Parliament, seeks to amend the Air Passenger Service Charge Act, Cap. 475. The principal object of the Bill is to allocate proceeds derived from the air passenger service charge to the Tourism Board, the Kenya Meteorological Service Authority, in addition to the Kenya Airports Authority and the Kenya Civil Aviation Authority.

The Legal Counsel further informed the Committee that the Bill proposes to reallocate the proceeds designated to the Tourism Promotion Fund to the Tourism Fund established under the Tourism Act (Cap 381). This is aimed at limiting duplication of roles, improving efficiency, and enabling the Government to support the financing of tourism-related projects from a single source.

Additionally, the Legal Counsel noted that the Bill allocates proceeds to the Kenya Meteorological Service Authority to finance its key functions and responsibilities, thereby enabling it to deliver on its statutory mandate efficiently and effectively.

Regarding Clause 2 of the Bill, the Legal Counsel highlighted that the amendment gives reference to the Kenya Meteorological Service Authority, which is not currently established in Statute. It was noted that the Authority is proposed to be established under Clause 5 of the Meteorological Bill, Senate Bill No. 45 of 2023, which is currently awaiting consideration by the Committee of the Whole House. The Committee has also proposed consequential amendments to Section 3 of the Air Passenger Service Charge Act to ensure that the Kenya Meteorological Service Authority is allocated funds from the Air Passenger Service Charge.

On Clause 3, the Legal Counsel informed the Committee that the amendment provides an additional source of revenue for the Tourism Fund by inserting a new paragraph (ca) into Section 66(2) of the Tourism Act. This paragraph will include proceeds received under Section 3(3) of the Air Passenger Service Charge Act as part of the Fund's revenue streams.

The Legal Counsel concluded by emphasizing that the proposed amendments are aimed at enhancing efficiency, reducing duplication, and ensuring adequate funding for critical institutions involved in aviation, tourism, and meteorological services.

Members Concerns

Concerns Regarding the Kenya Meteorological Service Authority

Members raised concerns about the allocation of proceeds to the Kenya Meteorological Service Authority, noting that the Authority is not yet established in law. They pointed out that the

Meteorological Bill (Senate Bill No. 45 of 2023), which seeks to establish the Authority, is still pending before the Committee of the Whole House. Members questioned the legality of allocating funds to an entity that lacks a statutory framework and stressed the need for clarity on whether the amendments to the Air Passenger Service Charge Act are contingent upon the passage of the Meteorological Bill.

MIN./NO.167/NA/TI/2025: ANY OTHER BUSINESS

i. Matter of National Concern – Road Accidents

The Hon. Chairperson informed the meeting that a motion for adjournment to discuss the recent surge in road accidents across the country would be discussed in the House in the afternoon. Members were urged to be present on the floor of the House to contribute to this matter of national importance.

ii. Engagement with the Cabinet Secretary for Roads and Transport

The Hon. Chairperson further informed the Committee that a meeting has been scheduled with the Cabinet Secretary for Roads and Transport on **Thursday, 14th August 2025 at 10:00 am** to deliberate on the aforementioned Bills

iii. Proposed Inspection Visits

The Committee Clerk proposed that the Committee undertake inspection visits to assess ongoing road projects in Kisumu and visit the site of the fatal accident that claimed 25 Kenyan lives on 9th August 2024. Members were yet to make a resolution on this proposal.

MIN./NO.168/NA/TI/2025: ADJOURNMENT/DATE OF THE NEXT MEETING

There being no other business, the meeting was adjourned at fifteen minutes past Ten Minutes to One O'clock (12:50 pm). The next meeting will be held on notice.

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

HON. GK GEORGE KARIUKI, CBS, MP
CHAIRPERSON

**Annexure 3: Copy of the Kenya Roads (Amendment) Bill (No. 3)
National Assembly Bill No. 34 of 2025)**

SPECIAL ISSUE

Kenya Gazette Supplement No. 122 (National Assembly Bills No. 34)



REPUBLIC OF KENYA

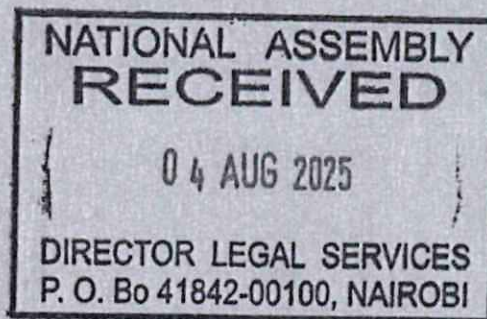
KENYA GZETTE SUPPLEMENT

NATIONAL ASSEMBLY BILLS, 2025

NAIROBI, 9th July, 2025

CONTENT

Bill for Introduction into the National Assembly—	PAGE
The Kenya Roads (Amendment) (No. 3) Bill, 2025	785



NATIONAL ASSEMBLY
RECEIVED
MAY 19 1963
DIRECTOR LEGAL SERVICES
P. O. DEPT. OF JUSTICE

**THE KENYA ROADS (AMENDMENT) (NO. 3) BILL,
2025**

A Bill for

**AN ACT of Parliament to amend the Kenya Roads Act
and for connected purposes**

ENACTED by the Parliament of Kenya, as follows—

1. This Act may be cited as the Kenya Roads (Amendment) (No. 3) Act, 2025. Short title.

2. Section 2 of the Kenya Roads Act (hereinafter referred to as the “principal Act”) is amended by— Amendment of section 2 of Cap. 408.

(a) deleting the definition of the term “national roads” and substituting therefor the following new definition—

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

(b) inserting the following new definition in its proper alphabetical sequence —

“county roads” means county roads as classified under Part B of the First Schedule.

3. The principal Act is amended by deleting section 47 and substituting therefor the following new section— Amendment of section 47 of Cap. 408.

Classification of roads.

47. (1) A public road shall be classified in the manner set out in the First Schedule to this Act.

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

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

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

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

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

4. The principal Act is amended by inserting the following new sections immediately after section 47—

Insertion of a new sections 47A and 47B in Cap. 408.

Responsibilities of county governments.

47A. (1) Pursuant to paragraph 5(a) of Part 2 of the Fourth Schedule to the Constitution, each county government shall, within its area of jurisdiction—

- (a) maintain, rehabilitate and develop county roads;
- (b) manage road reserves and facilitate access to roadside developments with respect to county roads;
- (c) implement road policies in relation to county roads;
- (d) ensure adherence to the rules and guidelines on axle load control as prescribed under the Traffic Act and any Regulations made under this Act;
- (e) ensure that the quality of county road works is in accordance with national standards issued by the Cabinet Secretary;
- (f) oversee the management of traffic and road safety on county roads;
- (g) collect and collate all such data related to the use of county roads as may be necessary for efficient planning under this Act;
- (h) monitor and evaluate the use of county roads;
- (i) plan the development and maintenance of county roads;

Cap. 403.

- (j) prepare the county investment programme and annual county road works programmes for county roads; and
- (k) coordinate with road Authorities or agencies in planning and operations in respect of county roads.

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

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

Road signage

47B. (1) A public road shall bear signage indicating its classification, including the level of government responsible for its maintenance, rehabilitation and development.

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

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

(4) A person who contravenes the provisions of subsection (3) commits an offence and shall be liable, upon conviction, to a fine not exceeding one million shillings or imprisonment for a term not exceeding two years, or to both.

5. The principal Act is amended by deleting the First Schedule and substituting therefor the following Schedule—

Amendment of the
First Schedule to
Cap 408.

FIRST SCHEDULE

(s. 47)

PART A—CLASSIFICATION OF NATIONAL TRUNK ROADS

All national trunk roads shall be classified as follows—

A1. NATIONAL ROADS

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

A2. URBAN ROADS

National Trunk Roads (Urban Roads)	Au	Major urban arterials in cities providing through traffic and for relatively long distance movements between widely separated parts of the city with high levels of service that maximizes speed and mobility, consistent with safety and segregation of pedestrian and other non-motorised movements.
	Bu	Minor urban arterials which provide the main means of moving between different zones of the urban area, other than the function provided by any class A roads and include thoroughfares or avenues serving the Central Business District of cities and major towns and principal urban bus routes.
	Cu	Major urban collectors that provide the link between arterials and county roads, distributing traffic to residential and other defined zones, typically taking the form of radial roads between arterials or spine roads serving the main residential areas or other defined zones.

A3. RURAL ROADS

Secondary National Trunk Roads	C	Roads linking Sub-County headquarters and other major designated towns to the higher level network or to each other and forming a contiguous network, together with A and B roads.
Special Purpose Roads	SP	Roads providing direct access to places of specific National Social or Economic importance, including industrial and commercial areas and government institutions such as schools, hospitals, prisons, government housing, etc.
Security Roads	SR	Roads strategic to national security as identified by the Ministry responsible for Internal Security and communicated to the Minister from time to time.

PART B—CLASSIFICATION OF COUNTY ROADS

Functionality	Class	Description
County Roads	D	Inter-ward roads forming routes of moderate length, linking wards and other minor towns to the Sub-county towns or higher network with the main function of channelling local traffic from lower level roads to higher level roads and centres.
	E	Residual category of roads providing last access to villages, minor markets and homes and shall form the largest proportion of the road network in Kenya.
	Du	These include the main shopping and business streets in the urban CBD or suburbs of larger towns and cities, other than designated minor Arterials and catering to a high level of pedestrian access to commercial properties fronting directly on the street.
	Eu	Roads providing direct access to groups of residential properties, comprising local residential streets and constituting the local tier of the hierarchy of urban roads suitable for motorized transport.

6. Section 6(2) of the Kenya Roads Board Act is amended in paragraph (d) by—

Consequential amendments to section 6 of Cap. 408A.

- (a) deleting the words “twenty-two percent” appearing in sub-paragraph (i) and substituting therefor the words “twenty-one percent”;
- (b) deleting the words “forty percent” appearing in sub-paragraph (iii) and substituting therefor the words “thirty-six percent”;
- (c) deleting the words “fifteen percent” appearing in sub-paragraph (iv) and substituting therefor the words “fourteen percent”;
- (d) deleting sub-paragraph (v) and substituting therefor the following new sub-paragraph—
 - “(v) one percent of the allocated funds is allocated in respect of roads in national parks and reserves to be administered by the Kenya Wildlife Service; and a maximum of one and a half percent of the allocated funds is allocated in respect of the recurrent expenditure of the Board under section 31(5);”
- (e) inserting the following new sub-paragraphs immediately after sub-paragraph (vi)—
 - “(vii) one and a half percent of the allocated funds is allocated to the department responsible for matters relating to roads in respect of execution of the functions stipulated under paragraph 18 of Part 1 of the Fourth Schedule to the Constitution; and
 - (viii) five percent of the allocated funds is allocated to county governments under Article 202(2) of the Constitution.”
- (f) inserting the following new subsections immediately after subsection (2)—
 - “(3) In the utilisation of the funds under subsection (2)(d)(viii), a county government shall—
 - (a) designate a department or division responsible for the maintenance,

rehabilitation and development of county roads;

- (b) open and maintain a special purpose account at the Central Bank of Kenya into which shall be deposited the funds under subsection 2(d)(viii);
- (c) comply with the standards for the maintenance, rehabilitation and development of roads as may be set out by the Cabinet Secretary; and
- (d) at least six months before the commencement of every financial year, submit to the Board an annual road programme approved by the respective county executive committees.

(4) The Board shall—

- (a) specify the form and content of an annual road programme under subsection (3)(c); and
- (b) monitor and evaluate all works, goods and services financed by the Fund.

(5) The Board may take such remedial, supplementary or alternative measures to ensure compliance with the conditions under this Act or any other written law.”

MEMORANDUM OF OBJECTS AND REASONS

Statement of the Objects and Reasons for the Bill.

The principal object of this Bill is to amend the Kenya Roads Act, Cap. 408 to classify public roads into national trunk roads and county roads and to vest the management of county roads under the county governments. This classification is intended to provide clarity in the maintenance, rehabilitation and development of the road network across the country. Further, the Bill seeks to give effect to paragraph 5(a) of Part 2 of the Fourth Schedule to the Constitution.

Additionally, to achieve this objective, the Bill proposes consequential amendments to the Kenya Roads Board Act, Cap. 408A to allocate funds from the proceeds of the Road Maintenance Levy Fund to county governments for the maintenance, rehabilitation and development of county roads within their respective jurisdiction. This is aimed at ensuring that the county governments have access to financial resources specifically earmarked for the maintenance, rehabilitation and development of county roads.

Statement on the delegation of legislative powers and limitation of fundamental rights and freedoms.

This Bill delegates legislative powers to the Cabinet Secretary responsible for roads to prescribe the dimensions and any additional information to be included on signage erected on public roads. It does not limit fundamental rights and freedoms.

Statement as to whether the Bill concerns county governments.

This is a Bill concerning county governments in terms of Article 110(1) (a) of the Constitution as it contains provisions affecting the functions and powers of the county governments.

Statement as to whether the Bill is a money Bill within the meaning of Article 114 of the Constitution.

The enactment of this Bill shall not occasion additional expenditure of public funds.

Dated the 9th July, 2025

PETER KALUMA,
Member of Parliament.

Section 47 of Cap. 408 which is intended to be amended—

47. Roads to be classified

(1) All public roads under the management of an Authority shall be classified in the manner set out in the First Schedule.

(2) In addition to the classification under subsection (1), each public road shall have such number, name or description as to uniquely identify it among all other roads of its class within the country.

(3) All existing road categorisations and classifications and associated identity numbers defined by the Roads Department of the Ministry responsible for roads prior to the commencement of this Act shall, for the time being, be maintained after the commencement of this Act.

(4) All existing road categorisations and classifications and associated identity numbers defined by the roads section of the Urban Development Department of the Ministry responsible for Local Government or a local Authority prior to the commencement of this Act shall be maintained for the time being after the date of commencement of this Act, save for such amendments as may be necessary to ensure consistency and compliance with the need for unique identity numbers.

(5) An Authority may with the authority of the Cabinet Secretary published in the *Gazette*, add, modify or remove the category of a road.

The First Schedule to Cap. 408 which is intended to be amended—

FIRST SCHEDULE

[ss. 2, 47]

CLASSIFICATION OF PUBLIC ROADS

All public roads in Kenya shall be classified as follows—

PART A - NATIONAL ROADS

Class	Description
CLASS A	International trunk roads linking centres of international importance and crossing international boundaries or terminating at international ports.
CLASS B	National trunk roads linking nationally important centres.
CLASS C	Primary roads linking provincially important centres to each other or two higher class roads.

PART - RURAL ROADS

Class	Description
CLASS D	Secondary roads linking locally important centres to each other, to more important centres or to higher class roads.
CLASS E	Any link to a minor centre.
Class	Description
CLASS F	Forest roads.
CLASS G	Roads serving Government institutions.
CLASS K	Roads accessing coffee (kahawa) growing areas.
CLASS L	Roads accessing settlement scheme areas.
CLASS P	National park roads.
CLASS R	Roads accessing rural areas.
CLASS S	Roads accessing sugar growing areas.
CLASS T	Roads accessing tea growing areas.
CLASS U	Unclassified rural roads including mining roads, etc.
CLASS W	Roads accessing wheat growing areas.

PART C – URBAN ROADS

Class	Description
CLASS UA	Urban Arterials.
CLASS UC	Urban Collectors including primary distributors, district distributors.
CLASS UL	Urban local roads including minor distributors, local streets, residential stand accesses, commercial and industrial stand accesses, shopping streets.

Section 6 of Cap. 408A which is intended to be amended—

6. Object and purpose of the Board.

(1) The object and purpose for which the Board is established is to oversee the road network in Kenya and coordinate the maintenance, rehabilitation and development funded by the Fund and to advise the Cabinet Secretary on all matters related thereto.

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

- (a) co-ordinate the optimal utilisation of the Fund in implementation of programmes relating to the maintenance, rehabilitation and development of the road network;
- (b) seek to achieve optimal efficiency and cost effectiveness in roadworks funded by the Fund;
- (c) manage the Fund and allocate monies from the Fund in the following manner—
 - (i) fifty per cent of the Fund shall be allocated in accordance with paragraph (d); and
 - (ii) fifty per cent of the Fund shall be allocated for the purposes of section 32A(2);
- (d) based on a five year road investment programme approved by the Cabinet Secretary and the Cabinet Secretary for Finance, determine the allocation of financial resources required by road agencies for the maintenance, rehabilitation and development of the road network to ensure that the allocation of funds is pegged to specific categories of roads and that not less than—
 - (i) twenty-two percent, which shall be deposited into a special bank account to be called Constituency Roads Fund Account to be maintained by every Constituency of the allocated funds is allocated equally to all constituencies in the country to be administered by the Rural Roads Authority;
 - (ii) ten percent of the allocated funds is allocated for the maintenance or development of link roads between constituencies and to serve as Government counterpart funds in funding works on rural roads, to be administered by the Kenya Rural Roads Authority and that the said percentage shall be equally distributed to the Constituencies where Kenya Rural Roads Authority has the mandate;

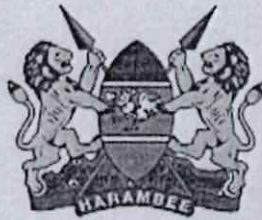
- (iii) forty percent of the allocated funds is allocated in respect of the national roads to be administered by the National Highways Authority;
 - (iv) fifteen percent of the allocated funds is allocated in respect of the urban roads to be administered by the Urban Roads Authority; and
 - (v) one percent of the allocated funds is allocated in respect of roads in national parks and reserves to be administered by the Kenya Wildlife Service; and a maximum of two percent of the allocated funds is allocated in respect of the recurrent expenditure of the Board under section 31(5);
- (e) ensure that the remainder of the monies from the Fund described in paragraph (d) shall be allocated annually by the Board with the approval of the Cabinet Secretary to road authorities based on an annual work programme derived from the five-year road investment programme approved by the Cabinet Secretary responsible for roads and the Cabinet Secretary for Finance;
 - (f) ensure that a maximum of ten percent of all monies allocated to each road agency is utilized for development purposes by the said agency;
 - (g) monitor and evaluate, by means of technical, financial and performance audits, the delivery of goods, works and services funded by the Fund;
 - (h) in implementing paragraph (g), pay due regard to public procurement and disposal regulations and additional guidelines issued or approved by the Cabinet Secretary;
 - (i) recommend to the Cabinet Secretary appropriate levels of road user charges, fines, penalties, levies or any sums required to be collected under the Road Maintenance Levy Fund Act (Cap. 427) and paid into the Fund;
 - (j) recommend to the Cabinet Secretary such periodic reviews of the fuel levy as are necessary for the purposes of the Fund;
 - (k) identify, quantify and recommend to the Cabinet Secretary such other potential sources of revenue as may be available to the Fund for the development, rehabilitation and maintenance of roads; and
 - (l) The Highways Authority, the Rural Roads Authority and the Urban Roads Authority may utilize such portion of monies received from the Fund for operational and administrative

expenses as may be approved by the Cabinet Secretary on the advice of the Board:

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

- (i) in the case of the Highways Authority, four percent;
- (ii) in the case of the Rural Roads Authority, five and half percent;
and
- (iii) in the case of the Urban Roads Authority, five and a half percent.

Annexure 4: Correspondence to stakeholders requesting for submissions on the Bill;



THE NATIONAL ASSEMBLY
OFFICE OF THE CLERK

P. O. Box 41842-00100
Nairobi, Kenya
Main Parliament Buildings

Telephone: +254202848000 ext. 3300
Email: cna@parliament.go.ke
www.parliament.go.ke/the-national-assembly

When replying, please quote
Ref: **NA/DDC/T&I/2025/070**

11th August, 2025

Hon. Shadrack John Mose, CBS
Solicitor-General
Office of the Attorney General and Department of Justice
Sheria House, Harambee Avenue
NAIROBI

Mr. Peter M. Musyimi, HSC
Ag. Commission Secretary/ CEO
Kenya Law Reform Commission,
Reinsurance Plaza, 3rd Floor, Taifa Road
NAIROBI

Dear *Sir,*

**RE: REQUEST FOR SUBMISSION ON THE KENYA ROADS (AMENDMENT)
(NO. 3) BILL (NATIONAL ASSEMBLY BILL NO. 34 OF 2025)**

The Departmental Committee on Transport and Infrastructure is established under National Assembly Standing Order 216 and is mandated to amongst others, *“study and review all legislation referred to it”*.

The **Kenya Roads (Amendment) (No. 3) Bill (National Assembly Bill No. 34 of 2025)** was referred to the Committee for consideration and reporting to the House pursuant to Standing Order 127(3). The Bill is sponsored by the **Hon. Peter Kaluma, MP** on behalf of the **House General Legislative Caucus**. The Bill seeks to amend the Kenya Roads Act, Cap. 408 to classify public roads into national trunk roads and county roads and to vest the management of county roads under the county governments. This classification is intended to provide clarity in the maintenance, rehabilitation and development of the road network across the country and to give effect to paragraph 5(a) of Part 2 of the Fourth Schedule to the Constitution.

Additionally, the Bill proposes consequential amendments to the Kenya Roads Board Act, Cap. 408A to allocate funds from the proceeds of the Road Maintenance Levy Fund to county governments for the maintenance, rehabilitation and development of county roads within their respective jurisdiction. This is aimed at ensuring that the county governments have access to financial resources specifically earmarked for the maintenance, rehabilitation and development of county roads.

In considering the Bill, the Committee is required to engage with stakeholders before reporting to the House. In this regard, we request that the Council prepares written submissions in a matrix format that indicates the section of the Bill, specific clause, proposed amendment and justification.

It will be appreciated if the submissions are received by **Wednesday, 13th August, 2025**. We request that you provide twenty (20) copies of the written submissions and send a soft copy to the Office of the Clerk via email: cna@parliament.go.ke.

We have enclosed herein a copy of the Bill for reference.

The Liaison Officer facilitating this matter is **Ms. Tracy Chebet Koskei**, a Principal Clerk Assistant II, who may be contacted on tel. no. **0726416794** or email: ddc@parliament.go.ke.

Yours *Sincerely,*



Serah Kioko, MBS

FOR. CLERK OF THE NATIONAL ASSEMBLY

Copy to:

Ms. Dorcas Agik Oduor, OGW, EBS, SC
Attorney General of the Republic of Kenya
Office of the Attorney General and Department of Justice
State Law Office
Sheria House
Harambee Avenue
NAIROBI



THE NATIONAL ASSEMBLY
OFFICE OF THE CLERK

P. O. Box 41842-00100
Nairobi, Kenya
Main Parliament Buildings

Telephone: +254202848000 ext. 3300
Email: cna@parliament.go.ke
www.parliament.go.ke/the-national-assembly

When replying, please quote

Ref: NA/DDC/T&I/2025/065

7th August, 2025

Eng. Joseph Mbugua, CBS
Principal Secretary
State Department for Roads
Ministry of Roads and Transport
Transcom House, Ngong Road
NAIROBI

Ms. Teresia Mbaika, CBS
Principal Secretary
State Department for Aviation and Aerospace Development
Ministry of Roads and Transport
NAIROBI

Dear *Sir*

**RE: MEETING WITH THE DEPARTMENTAL COMMITTEE ON
TRANSPORT AND INFRASTRUCTURE TO CONSIDER BILLS BEFORE
THE COMMITTEE**

The Departmental Committee on Transport and Infrastructure is established under National Assembly Standing Order 216 and is mandated to amongst others, "*study and review all legislation referred to it*".

The following Bills were referred to the Committee for consideration and reporting to the House pursuant to Standing Order 127(3);

(1) The **Kenya Roads (Amendment) (No. 3) Bill (National Assembly Bill No. 34 of 2025)** is sponsored by the **Hon. Peter Kaluma, MP** on behalf of the **House General Legislative Caucus**. The Bill seeks to amend the Kenya Roads Act, Cap. 408 to classify public roads into national trunk roads and county roads and to vest the management of county roads under the county governments. This classification is intended to provide clarity in the maintenance, rehabilitation and development of the road network across the country and to give effect to paragraph 5(a) of Part 2 of the Fourth Schedule to the Constitution.

Additionally, the Bill proposes consequential amendments to the Kenya Roads Board Act, Cap. 408A to allocate funds from the proceeds of the Road Maintenance Levy Fund to county governments for the maintenance, rehabilitation and development of county roads within their respective jurisdiction. This is aimed at ensuring that the county governments have access to financial resources specifically earmarked for the maintenance, rehabilitation and development of county roads.

(2) The **Air Passenger Service Charge (Amendment) Bill (National Assembly Bill No. 35 of 2025)** is sponsored by the **Leader of Majority Party** that seeks to amend the Air Passenger Service Charge Act (Cap. 475) to provide for the allocation of proceeds derived from the air passenger service charge to the Tourism Fund and the proposed Kenya Meteorological Service Authority, in addition to the Kenya Airports Authority and the Kenya Civil Aviation Authority.

In considering the Bill, the Committee is required to engage with stakeholders before reporting to the House. In this regard, the Committee has resolved to invite the Ministry of Roads and Transport to a meeting to make submissions on the Bills.

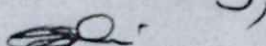
This is to invite the Cabinet Secretary for the Ministry of Roads and Transport to a meeting of the Committee scheduled for **Thursday, 14th August, 2025**, to be held in Committee Room 20, 5th Floor, Bunge Tower, Parliament Buildings, at **12.00 pm**.

We request that you provide twenty (20) copies of the written submissions during the meeting and send a soft copy to the Office of the Clerk via email: cna@parliament.go.ke by **Wednesday, 13th August, 2025**.

We have enclosed herein a copy of the Bill for reference.

The Liaison Officer facilitating this matter is **Ms. Tracy Chebet Koskei**, a Principal Clerk Assistant II, who may be contacted on tel. no. **0726416794** or email: ddc@parliament.go.ke.

Yours *Sincerely,*


Sarah Kioko, MBS

FOR: CLERK OF THE NATIONAL ASSEMBLY

Copy to:

Mr. Davis Chirchir, EGH
Cabinet Secretary
Ministry of Roads and Transport
Transcom House – Ngong Road
NAIROBI

Annexure 5: Newspaper advertisement inviting the public to submit memoranda on the Bill.



**THE NATIONAL ASSEMBLY
THIRTEENTH PARLIAMENT - FOURTH SESSION (2025)**

IN THE MATTER OF ARTICLES 118(1)(b), 246 (2) AND 250(2) OF THE CONSTITUTION AND
IN THE MATTER OF THE PUBLIC APPOINTMENTS (PARLIAMENTARY APPROVAL) ACT (CAP. 7F)
AND
IN THE MATTER OF SECTION 6(5) OF THE NATIONAL POLICE SERVICE COMMISSION ACT (CAP. 85)
AND
IN THE MATTER OF APPROVAL BY THE NATIONAL ASSEMBLY OF PERSONS NOMINATED FOR APPOINTMENT AS THE CHAIRPERSON AND MEMBER OF THE NATIONAL POLICE SERVICE COMMISSION

**NOTIFICATION OF APPROVAL HEARINGS AND INVITATION TO
SUBMIT MEMORANDA**

WHEREAS, in accordance with provisions of Articles 246(2) and 250(2) of the Constitution and section 6(5) of the National Police Service Commission Act (Cap. 85), His Excellency the President is empowered to nominate and, with the approval of the National Assembly, appoint the Chairperson and Members of the National Police Service Commission. In exercise of the said powers, His Excellency the President has nominated the following persons for appointment to the Commission –

S/No.	NOMINEE	POSITION
1.	Dr. Amani Yuda Komora, MBS, CHRP	Chairperson
2.	Ms. Angeline Yiamiton Siparo, EBS	Member

AND WHEREAS, following receipt of the nominations from H.E. the President, the Hon. Speaker of the National Assembly vide a Communication made on **Tuesday, 5th August, 2025** conveyed the Message to the National Assembly and referred the names and *curricula vitae* of the nominees to the **Departmental Committee on Administration and Internal Security** for consideration and reporting to the House;

IT IS NOTIFIED to the general public that pursuant to **Article 118(1)(b) of the Constitution and Section 6(4) of the Public Appointments (Parliamentary Approval) Act (Cap. 7F)**, the Departmental Committee shall conduct Approval Hearings (Vetting) of the nominees on **Wednesday 13th August 2025 in Committee Room 26, 5th Floor, Bunge Tower** as per the schedule below –

S/No.	NOMINEE	POSITION	TIME
1.	Dr. Amani Yuda Komora, MBS, CHRP	Chairperson	9.30 am
2.	Ms. Angeline Yiamiton Siparo	Member	10.30 am

AND WHEREAS, Section 6(9) of the Public Appointments (Parliamentary Approval) Act (Cap. 7F) provides that **"any person may prior to the approval hearing and by written statement on oath, provide the Clerk with evidence contesting the suitability of a candidate to hold the office to which the candidate has been nominated"**;

IN COMPLIANCE with Article 118(1)(b) of the Constitution and Section 6(9) of the Public Appointments (Parliamentary Approval) Act (Cap. 7F), the Clerk of the National Assembly hereby invites members of the public to submit any representations they may have, by way of **written statements on oath (affidavits) with supporting evidence contesting the suitability of the candidates** for appointment to the offices they have been nominated to.

The memoranda may be forwarded to the **Clerk of the National Assembly, P.O. Box 41842-00100, Nairobi**; hand-delivered to the **Office of the Clerk, Main Parliament Buildings, Nairobi**; or emailed to cna@parliament.go.ke to be received on or before **Tuesday, 12th August, 2025 by 5.00 p.m.**

IT IS FURTHER NOTIFIED THAT the nominees are required to –

- (1) Appear for the approval hearings with their original identity cards, academic and professional certificates and other relevant testimonials; and
- (2) Obtain letters/certificates of compliance from the following institutions–
 - (a) The Ethics and Anti-Corruption Commission;
 - (b) The Kenya Revenue Authority;
 - (c) The Higher Education Loans Board;
 - (d) The Directorate of Criminal Investigations;
 - (e) The Office of the Registrar of Political Parties; and
 - (f) A Credit Reference Bureau.

**S. NJOROGE, CBS
CLERK OF THE NATIONAL ASSEMBLY
Wednesday, 6th August, 2025**

"For the Welfare of Society and the Just Government of the People"



**THE NATIONAL ASSEMBLY
THIRTEENTH PARLIAMENT - FOURTH SESSION (2025)**

IN THE MATTER OF ARTICLE 118 (1)(b) OF THE CONSTITUTION AND
IN THE MATTER OF CONSIDERATION BY THE NATIONAL ASSEMBLY OF:

- (1) THE KENYA ROADS (AMENDMENT) (NO. 3) BILL (NATIONAL ASSEMBLY BILL NO. 34 OF 2025)
- (2) THE AIR PASSENGER SERVICE CHARGE (AMENDMENT) BILL (NATIONAL ASSEMBLY BILL NO. 35 OF 2025); AND
- (3) THE PRIVATISATION BILL (NATIONAL ASSEMBLY BILL NO. 36 OF 2025).

INVITATION TO SUBMIT MEMORANDA

WHEREAS, Article 118(1)(b) of the Constitution requires Parliament to facilitate public participation and involvement in the legislative and other business of Parliament and its Committees and Standing Order 127(3) of the National Assembly Standing Orders requires House Committees considering Bills to facilitate public participation;

AND WHEREAS, the Kenya Roads (Amendment) (No. 3) Bill (National Assembly Bill No. 34 of 2025); the Air Passenger Service Charge (Amendment) Bill (National Assembly Bill No. 35 of 2025) and the Privatisation Bill (National Assembly Bill No. 36 of 2025), have been Read a First Time and referred to the relevant Departmental Committees for consideration and reporting back to the House.

IT IS NOTIFIED that–

- (1) The Kenya Roads (Amendment) (No. 3) Bill (National Assembly Bill No. 34 of 2025) is a Bill sponsored by the **Hon. Peter Kaluma, MP** on behalf of the **House General Legislative Caucus**. The Bill seeks to amend the Kenya Roads Act, Cap. 408 to classify public roads into national trunk roads and county roads and to vest the management of county roads under the county governments. This classification is intended to provide clarity in the maintenance, rehabilitation and development of the road network across the country and to give effect to paragraph 5(a) of Part 2 of the Fourth Schedule to the Constitution

Additionally, the Bill proposes consequential amendments to the Kenya Roads Board Act, Cap. 408A to allocate funds from the proceeds of the Road Maintenance Levy Fund to county governments for the maintenance, rehabilitation and development of county roads within their respective jurisdiction. This is aimed at ensuring that the county governments have access to financial resources specifically earmarked for the maintenance, rehabilitation and development of county roads.

- (2) The Air Passenger Service Charge (Amendment) Bill (National Assembly Bill No. 35 of 2025) is a Bill sponsored by the **Leader of Majority Party** that seeks to amend the Air Passenger Service Charge Act (Cap. 475) to provide for the allocation of proceeds derived from the air passenger service charge to the Tourism Fund and the proposed Kenya Meteorological Service Authority, in addition to the Kenya Airports Authority and the Kenya Civil Aviation Authority.

The Bill reallocates the proceeds designated to the Tourism Promotion Fund to the Tourism Fund established under the Tourism Act (Cap. 381) to limit duplication of roles, improve efficiency, and enable the Government to support the financing of tourism-related projects from a single source especially those that require strategic and blended funding approaches.

Further, the Bill allocates proceeds to the proposed Kenya Meteorological Service Authority, which is intended to be funded from the proceeds of the service charge under clause 30 of the Meteorology Bill, 2023, to enable it finance its key responsibilities and functions and thereby deliver on its intended statutory mandate efficiently and effectively.

- (3) The Privatisation Bill, 2025 (National Assembly Bill No. 36 of 2025) is a Bill sponsored by the **Leader of Majority Party** that seeks to repeal and re-enact the regulatory framework for the privatisation of public entities with a view to improving the efficiency of public entities. The Bill is being re-enacted in view of the Court decision in *Orange Democratic Movement Party & 4 Others v Speaker of the National Assembly & 5 Others [2024] KEHC 11494 KLR*, which declared the Privatisation Act, 2023 unconstitutional. In accordance with the decision of the court, the Bill now provides for an elaborate role of the National Assembly in the privatisation process.

NOW THEREFORE, in compliance with Article 118(1)(b) of the Constitution and the National Assembly Standing Order 127(3), the Clerk of the National Assembly hereby invites the public and stakeholders to submit memoranda on the Bills to the respective Departmental Committees listed below–

NO.	BILL	COMMITTEE
1.	Kenya Roads (Amendment) (No. 3) Bill (National Assembly Bill No. 34 of 2025)	Transport and Infrastructure
2.	The Air Passenger Service Charge (Amendment) Bill (National Assembly Bill No. 35 of 2025);	Public Debt and Privatization Committee
3.	The Privatisation Bill (National Assembly Bill No. 36 of 2025)	

Copies of the Bills are available at the National Assembly Table Office, Main Parliament Building, and on www.parliament.go.ke/the-national-assembly/house-business/bills.

The memoranda may be forwarded to the **Clerk of the National Assembly, P.O. Box 41842-00100, Nairobi**; hand-delivered to the **Office of the Clerk, Main Parliament Building, Nairobi**; or emailed to cna@parliament.go.ke to be received on or before **Wednesday, 13th August, 2025 at 5.00 p.m.**

**S. NJOROGE, CBS
CLERK OF THE NATIONAL ASSEMBLY
6th August, 2025**

"For the Welfare of Society and the Just Government of the People"



THE NATIONAL ASSEMBLY
THIRTEENTH PARLIAMENT- FOURTH SESSION (2025)

IN THE MATTER OF ARTICLES 118(1)(B) AND 250(2) OF THE CONSTITUTION
AND
IN THE MATTER OF THE PUBLIC APPOINTMENTS (PARLIAMENTARY APPROVAL)
ACT (CAP. 7F)
AND
IN THE MATTER OF SECTION 11 OF THE KENYA NATIONAL COMMISSION ON HUMAN
RIGHTS ACT (CAP. 71)
AND
IN THE MATTER OF APPROVAL BY THE NATIONAL ASSEMBLY OF A PERSON
NOMINATED FOR APPOINTMENT AS THE CHAIRPERSON OF THE KENYA NATIONAL
COMMISSION ON HUMAN RIGHTS

NOTIFICATION OF APPROVAL HEARING AND INVITATION TO SUBMIT MEMORANDA

WHEREAS, in accordance with provisions of Article 250(2) of the Constitution and section 11 of the Kenya National Commission on Human Rights Act [Cap. 71], His Excellency the President is empowered to nominate and, with the approval of the National Assembly, appoint the Chairperson and Members of the Kenya National Commission on Human Rights. In exercise of the said powers, His Excellency the President has nominated **Dr. Duncan Oburu Ojwang** for appointment as the Chairperson of the Commission;

AND WHEREAS, following receipt of the nomination from H.E. the President, the Hon. Speaker of the National Assembly vide a Communication made on **Tuesday, 5th August, 2025** conveyed the Message to the National Assembly and referred the name and curriculum vitae of the nominee to the **Departmental Committee on Justice and Legal Affairs** for consideration and reporting to the House;

IT IS NOTIFIED to the general public that pursuant to **Article 118(1)(b) of the Constitution and section 6(4) of the Public Appointments (Parliamentary Approval) Act (Cap. 7F)**, the **Departmental Committee on Justice and Legal Affairs** shall conduct the Approval Hearing (Vetting) of **Dr. Duncan Oburu Ojwang** for appointment as the **Chairperson of the Kenya National Commission on Human Rights** on **Wednesday, 13th August 2025** in **Committee Room 21, 5th Floor, Bunge Tower at 10:00am**.

AND WHEREAS, Section 6(9) of the Public Appointments (Parliamentary Approval) Act (Cap. 7F) provides that **"any person may prior to the approval hearing and by written statement on oath, provide the Clerk with evidence contesting the suitability of a candidate to hold the office to which the candidate has been nominated"**;

IN COMPLIANCE with Article 118(1)(b) of the Constitution and section 6(9) of the Public Appointments (Parliamentary Approval) Act (Cap. 7F), the Clerk of the National Assembly hereby invites members of the public to submit any representations they may have, by way of **written statements on oath (affidavits) with supporting evidence contesting the suitability of the candidate** for appointment to the office he has been nominated to.

The memoranda may be forwarded to the **Clerk of the National Assembly, P.O. Box 41842-00100, Nairobi**; hand-delivered to the **Office of the Clerk, Main Parliament Buildings, Nairobi**; or emailed to cna@parliament.go.ke to be received on or before **Tuesday, 12th August, 2025 by 5.00 p.m.**

- IT IS FURTHER NOTIFIED THAT** the nominee is required to—
- (1) Appear for the approval hearing with his original identity card, academic and professional certificates and other relevant testimonials; and
 - (2) Obtain letters/certificates of compliance from the following institutions—
 - (a) The Ethics and Anti-Corruption Commission;
 - (b) The Kenya Revenue Authority;
 - (c) The Higher Education Loans Board;
 - (d) The Directorate of Criminal Investigations;
 - (e) The Office of the Registrar of Political Parties; and
 - (f) A Credit Reference Bureau.

S. NJOROGE, CBS
CLERK OF THE NATIONAL ASSEMBLY
Wednesday, 6th August, 2025

"For the Welfare of Society and the Just Government of the People"

NEWS GENERAL

GROWING SCRUTINY

US to review Kenya non-NATO ally status, cites China ties

Review underscores Washington's unease with Kenya

MOSES OGADA
@AlvinaMoses

THE US Congress has launched a high-level review of Kenya's designation as a major non-NATO ally, a status granted just over a year ago in June last year.

The US Senate has received a Bill sponsored by James Risch to actualise the change, signalling growing scrutiny over Nairobi's geopolitical alignments and security partnerships.

The review, mandated by newly proposed legislation, underscores Washington's unease with Kenya's deepening ties with US adversaries—including China, Russia and Iran.

Risch is the chairman of the Senate Committee on Foreign Relations. The Trump administration has also raised concerns over rights abuses and financial transparency by President William Ruto's administration.

"Not later than 90 days after the date of the enactment of this Act, the

Secretary of State, in coordination with the Secretary of Defense, the Secretary of the Treasury and the Director of National Intelligence, shall commence a review of the major non-NATO status of Kenya, conferred on June 24, 2024," the Bill reads.

The senator had in May warned that the ties with Kenya would be reviewed, citing the country's ties with China, which he said were troubling. "Widened diplomacy with America's greatest competitor is not an alliance — it is a risk for the US to assess," he said then.

As such, the US seeks, through the Bill, to assess Kenya's military and economic relationships with China, Russia and Iran, including arms deals, training programmes and joint activities since mid-2024.

Of particular concern is China's Belt and Road Initiative, for which Kenya is a key strategic partner for Beijing in its endeavours to expand its infrastructure footprint.

THE TRUMP ADMINISTRATION HAS ALSO RAISED CONCERNS OVER RIGHTS ABUSES AND FINANCIAL TRANSPARENCY BY RUTO'S ADMINISTRATION



THE NATIONAL ASSEMBLY
THIRTEENTH PARLIAMENT – FOURTH SESSION (2025)

IN THE MATTER OF ARTICLE 118(1) (B) OF THE CONSTITUTION
AND
IN THE MATTER OF CONSIDERATION BY THE NATIONAL ASSEMBLY OF SESSIONAL
PAPER NO. 2 OF 2025 ON THE PRIVATIZATION OF KENYA PIPELINE COMPANY
LIMITED (KPC)

INVITATION TO SUBMIT MEMORANDA

WHEREAS, Article 118(1) (b) of the Constitution requires Parliament to facilitate public participation and involvement in the legislative and other business of Parliament;

AND WHEREAS Sessional Paper No. 2 of 2025 on the Privatization of Kenya Pipeline Company Limited (KPC) through an Initial Public Offer (IPO) on the Nairobi Securities Exchange was submitted to the National Assembly and referred to the Departmental Committee on Energy and Public Debt & Privatization Committee for consideration and reporting to the House;

IT IS NOTIFIED that Sessional Paper No. 2 of 2025 on the Privatization of Kenya Pipeline Company Limited (KPC) seeks to implement the privatization of Kenya Pipeline through an Initial Public Offer (IPO) on the Nairobi Securities Exchange to raise resources to implement the 2025/2026 budget. Specifically, the proposed privatization—

- (1) presents a strategic opportunity to unlock the company's full potential while ensuring broad national benefits;
- (2) is to enable the Government to raise funds budgeted for the 2025/2026 budget required to implement economic and social objectives;
- (3) will empower ordinary Kenyans to own a stake in one of the country's profitable and strategic enterprise, promote inclusive economic growth, and strengthen transparency and corporate governance through stock exchange listings and regulatory oversight;
- (4) will enhance operational efficiency and innovation;
- (5) proceeds from the transaction will support critical development priorities, reduce reliance on borrowing, and deepen Kenya's capital market; and
- (6) balances economic empowerment, national interest, and institutional modernization in a manner that will benefit both the public and the economy at large.

NOW THEREFORE, in compliance with Article 118(1)(b) of the Constitution, the Clerk of the National Assembly hereby invites the public to submit memoranda on the Sessional Paper to the Departmental Committee on Energy and the Public Debt and Privatization Committee.

A copy of the Sessional Paper is available at the National Assembly Table Office, Main Parliament Buildings and on www.parliament.go.ke.

The memoranda may be forwarded to the **Clerk of the National Assembly, P.O. Box 41842-00100, Nairobi**; hand-delivered to the **Office of the Clerk, Main Parliament Buildings, Nairobi**; or emailed to cna@parliament.go.ke to be received on or before **Wednesday, 13th August 2025 at 5.00 p.m.**

S. NJOROGE, CBS
CLERK OF THE NATIONAL ASSEMBLY
6th August 2025

"For the Welfare of Society and the Just Government of the People"

Annexure 6: Written submissions from Stakeholders.



MINISTRY OF ROADS AND TRANSPORT

The Clerk of the National Assembly
Parliament Buildings
NAIROBI

Meeting with the Departmental Committee on Transport and Infrastructure to consider Bills before the Committee

Reference is made to the letter Ref: NA/DDC/T&I/2025/065 dated 7th August, 2025 regarding the above subject matter.

Mr. Chairman, I wish to respond as follows.

I thank you for the Invitation to this meeting to deliberate on the Kenya Roads (Amendment) (No.3) Bill (National Assembly Bill No. 34 of 2025) sponsored by the Hon. Peter Kaluma, M.P on behalf of the House General Legislative Caucus.

The Ministry has reviewed the Bill with a view to enriching it as invited by the Committee.

Mr. Chairman,

Before I delve into the particulars of my submission, allow me to give a brief background of the need for the enactment of the bill and place my presentation in the proper context.

The ruling by the High Court of Kenya in Petition No. E423 of 2024 (Issa Elanyi Chemao vs National Assembly & Others) that was delivered on 5th June, declared Section 6 of the Kenya Roads Board Act and Section 47 of the Kenya Roads Act as unconstitutional.

Section 6 of the Kenya Roads Board Act relates to the allocation of the Roads Maintenance Levy Fund while Section 47 of the Kenya Roads Act provides for the classification of roads in Kenya.

The Kenya Roads Board is the implementer agency for the Kenya Roads Board Act while the Kenya Roads Act is implemented by the three roads implementing agencies, KeNHA, KeRRA and KURA. The Ministry on the other hand is overall in charge of standards of the construction and maintenance of road network in Kenya for both levels of Government.

Mr. Chairman,

Over the years, the Roads Sector has had a funding challenge towards the development and maintenance of the Kenyan Road Network. The Roads Maintenance Levy Fund has been principally utilised for maintenance of Roads while the development (new construction, upgrading and major rehabilitation) has been undertaken through the exchequer allocations.

Due to inadequate budgetary allocation, the pending bills in the sector ballooned to over KShs 175 Billion leading to stalling of major development works while the maintenance of the network was strained due to shortfalls in the Roads Maintenance Levies.

Mr. Chairman,

In order to revive the projects that had stalled, Kenya Roads Board utilized the provisions of Section 32A and sold a portion of the RMLF receivable to a bankruptcy remote SPV which has raised the funds from lenders and the consideration and amounts have been paid to KRB and are now being utilised to accelerate road works that have been in progress.

The import of this is that the proposed Amendment Bill will need to be cognisant of the development and maintenance needs of the road network and the need to consolidate the gains made over the years.

Specifically, our recommendations are premised on the following principles;

- 1) Appreciation of the interdependencies of all parts of the network hence the need to provide support to National and County roads;
- 2) Consideration of the specific functions and the needs of the roads in the network in the classification and allocation of funds;
- 3) The sustainability of both development and maintenance initiatives for the country's network; and
- 4) The safeguarding of public interest through effective enforcement of standards.

Mr. Chairman, it is against this backdrop that having reviewed the proposed bill, and in line with the provisions of the fourth Schedule of the Constitution which provides for the roles and functions of the two levels of Government and specifically:

Part I Sub-Section 18 (b) & (c)

Transport and communications, including, in particular—

(b) the construction and operation of national trunk roads;

(c) standards for the construction and maintenance of other roads by counties

Part II Sub-Section 5 (a)

County transport, including—

(a) county roads;

Section	Description	Comments
3	Amendment of Section 47 of Cap 408 on classification of roads	We are in agreement; classification is a function of the National Government under schedule IV of the Constitution
4	Amendment by inserting Section 47A, Responsibilities of the County Government	We are in agreement with the provisions. We note that the County Governments have been obliged to work in accordance with the standards prescribed by the Cabinet Secretary
	Amendment by inserting Section 47B, Road Signage	We are in agreement We propose Section 47B(1) to read “A public road shall bear signage including its classification, <u>road code</u> , including the level of Government responsible for its maintenance, rehabilitation and development. The rationale is that, a road is identified by its class and number

Section	Description	Comments
5	Amendment to the First Schedule and substitution thereof with the revised schedule	<p>a) We are in agreement with the proposed functional classification of the Road Network.</p> <p>b) We propose that under Secondary National Trunk Road C, delete description and replace with <i>“Roads linking major designated towns and forming a continuous network with A and B roads”</i>.</p> <p>The rationale is to provide for clarity and ensure functionality of roads is embedded in the classification.</p>
6	<p>Consequential amendments to Sections 6 of CAP 408A</p> <p>Provides for allocation of RMLF funds</p>	<p>We are generally in agreement with the allocation criteria.</p> <p>Whereas the allocations to the agencies have been reduced to accommodate the County Governments, we are cognizant that part of the fund will be used under securitization to ensure that all roads in the Country are developed and those under contracts completed.</p> <p>We take note of and support the proposal to include 1.5 % of the fund to the Department responsible for Roads as this will ensure that the funds are applied to the standards prescribed by the Cabinet Secretary for both the development and maintenance works in the Country through effective monitoring,</p>

Section	Description	Comments
		evaluation and quality assurance audits by the Department.

I submit.



Davis Chirchir, EGH
CABINET SECRETARY

14th August 2025

15% - 14%
 32 - 31%

kw s
 1%

1.5%

KCRB 2%

Roads dept 1.5%

6 5 5
 2 2/100
 4 2/100

KENYA LAW REFORM COMMISSION



"A Vibrant Agency for Responsive Law Reform"

Telegrams: "LAWREFORM" NAIROBI
Telephone: Nairobi, +254-20-2241186/2241201
Fax: +254-20-2225786
www.info@klrc.go.ke

When replying please quote

Ref. No. KLRC/8/64 VOL.V/(21)
and Date

The Clerk,
Clerk's Chambers
National Assembly,
Parliament Building,
P. O. Box 41842-00100,
NAIROBI

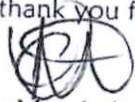
(Attn: Mr. Jeremiah Ndombi, MBS)

RE: REQUEST FOR SUBMISSION ON THE KENYA ROADS (AMENDMENT)
(NO.3) BILL (NATIONAL ASSEMBLY BILL NO. 34 OF 2025)

Please refer to the above subject and your Letter Ref: NA/DDC/T & I/2025/070 dated 11th August, 2025.

Enclosed herewith, please find the Commission's Comments on the proposed Kenya Roads (Amendment) No. 3) Bill, 2025 by Hon. Peter Kaluma, MP for further action.

We thank you for your cooperation and support.

for 
Peter Musyimi, HSC
Ag. SECRETARY/ CEO

Encl.

Copy to:

Hon. Dorcas Agik Oduor, SC, OGW, EBS
The Attorney-General
Office of the Attorney-General &
Department of Justice
Sheria House, Harambee Avenue
NAIROBI

DDC
please deal.
[Signature]
14/08/25

(2) Tracy C. Koskei, HoD
Place before the Dept.
Committee on Roads.
DM 14/8/25



KENYA LAW REFORM COMMISSION
REINSURANCE PLAZA
3RD FLOOR
TAIFA ROAD
P.O. Box 34999-00100
NAIROBI, KENYA

13th August, 2025





KLRC COMMENTS ON PROPOSED KENYA ROADS (AMENDMENT) (NO. 3) BILL,
2025 BY PETER KALUMA, MP

INTRODUCTION

The Kenya Law Reform Commission has been requested vide a letter dated 11th August, 2025 from the Clerk of the National Assembly to scrutinize and give written submissions on the proposed Kenya Roads (Amendment) (No. 3) Bill, 2025, which is before the Departmental Committee on Transport and Infrastructure for consideration and reporting to the House in line with the provisions of Standing Order 127 (3) of the National Assembly Standing Orders.

OBJECTS OF THE BILL

The Principal Object of the Bill is to amend the Kenya Roads Act Cap 408 to classify public roads into national trunk roads and county roads and to vest the management of county roads under the county governments. The classification is intended to provide clarity in the maintenance, rehabilitation and development of the road network across the country. Further, the Bill seeks to give effect to paragraph 5 (a) of Part 2 of the Fourth Schedule to the Constitution.

Additionally, the Bill proposes consequential amendments to the Kenya Roads Board Act, Cap 408A to allocate funds from the proceeds of the Road Maintenance Levy Fund to county governments for the maintenance, rehabilitation and development of county roads.

The Commission has analyzed the proposed amendments and makes the following proposals.

COMMENTS ON THE BILL

The following table summarizes our observations and proposed amendments to the Bill:

STATUTE	PROVISION IN THE BILL	PROPOSAL	RATIONALE
Kenya Roads Act, Cap 408			
	Clause 1	In agreement with the proposal.	This is a standard in any amendment.
	Clause 2- amendment of Section 2	In agreement with the proposed amendment.	The definitions adhere to the international standards of road classification. This is also in line with paragraph 5 (a) of Part 2 of the Fourth Schedule to the Constitution.
	Clause 3- amendment of section 47	In agreement with the proposed amendment.	The amendment has classified the roads defined the role of the Cabinet Secretary to review the classification and assignment of public roads.
	Clause 4- Insertion of sections 47A and 47B	In agreement with the proposed amendment.	The proposal provides the role and responsibilities of the county government pursuant to paragraph 5 (a) of Part 2 of the Fourth Schedule to the Constitution.
	Clause 5- Amendment to the First Schedule	In agreement with the proposed amendment.	The proposed amendment provides a clear classification of national roads, urban roads and rural roads. The amendment has gone further to classify county roads which provides a clear delineation of inter-ward roads and routes.
Kenya Roads Board, Cap 408 A			
	Clause 6 – Consequential amendments to Section 6 (2)	In agreement with the proposed amendment.	The amendment provides consequential amendments to the allocation of funds by the Kenya Roads Board. We however note that these substantial changes in the allocation of the percentages be discussed by the Cabinet Secretary of Finance, Cabinet Secretary for Transport and Kenya Roads Board to determine the

STATUTE	PROVISION IN THE BILL	PROPOSAL	RATIONALE
			allocation of financial resources required by road agencies for the maintenance, rehabilitation and development of the road networks and to ensure that the allocation of funds is pegged to specific categories of the roads.

CONCLUSION

The proposed amendment Bill is in line with the Constitution as it seeks to give effect to paragraph 5 (a) of Part 2 of the Fourth Schedule to the Constitution. The Commission however notes that there needs to be more public participation on the allocation of funds from the proceeds of the Road Maintenance Levy Fund with the Ministry of Finance, Ministry of Transport and the Kenya Roads Board on the allocation of resources on the new classification of roads.



The Institution of Engineers of Kenya

Registered Office: 1st floor, Top Plaza, Kindaruma Rd,
iek@iekenya.org
+254 721 729363, +254 020 2729326
P.O. Box 41346 - 00100, Nairobi, Kenya
www.iekenya.org

Our Ref: IEK/PRE/CEO/MA/3309/2025

OD/DC

12th August 2025

Mr. Sameul Njoroge, CBS,
Clerk of The National Assembly,
P. O. Box 41842 - 00100,
Nairobi.

Please deal -
[Signature]
14/08/25

Dear Mr. Njoroge, CBS

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

The Institution of Engineers of Kenya (IEK) is the learned society of the engineering profession and co-operates with national and other international institutions in developing and applying engineering to the benefit of humanity. IEK has over 13,000 members drawn from engineers working in various government institutions (both national and county), consultancies, contractors, educators, designers, manufacturers, and other persons interested in engineering.

Institution of Engineers of Kenya has reviewed the Kenya Roads (Amendment) Bill National Assembly Bill No. 3 Of 2025 and has provided proposals enclosed herein for your kind consideration.

Looking forward to a continued collaboration.

② Tracy C. Koskei

Yours Sincerely,

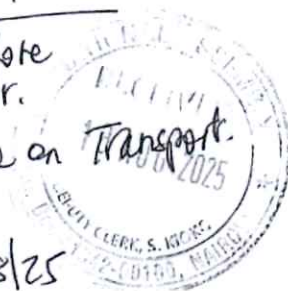
*Place before
the Dep.
Committee on Transport.*

[Signature]

Eng. Shammah Kiteme, CE, FIEK,
President,

*JKM
14/8/25*

THE INSTITUTION OF ENGINEERS OF KENYA





COMMENTS COLLECTION MATRIX

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

No.	Part/ Section in the bill/ policy	Clause in the bill/Policy	Comment and/or issue with the clause	Proposed amendment	Justification
1	Section 2 on definitions for NTR and County Roads	Clauses 2 a) and b)	The definitions given for National Trunk Roads and County Roads and the related First Schedule do not satisfactorily distinguish between a County Road and a National Trunk Road e.g. a National Trunk Roads with the exception of Urban Roads should not start and end in a county like the proposed Class C does, that causes confusion and makes it difficult to distinguish class C from a county Roads	Review the First Schedule to remove any ambiguity between the National Trunk Roads and County Roads	One of the purposes for Classification is for identification of the road network and as proposed, may still pause a challenge to the public or counties to distinguish their network
2	Responsibilities of County Governments	Clause 47(A) (3)	It provides for the County Executive Member to be responsible for	Formation of County Roads Agencies as it is with water sub-sector	For efficient and effective delivery of county roads.



No.	Part/ Section in the bill/ policy	Clause in the bill/Policy	Comment and/or issue with the clause	Proposed amendment	Justification
			<p>Maintenance, Rehabilitation and Development of the County Roads.</p> <p><i>This is a structure that may be inefficient to deliver the mandate as it mirrors the structures that were abandoned by the national government with the advent of the authorities</i></p>	<p>with funds meant for roads being ringfenced.</p> <p>Qualifications of those to head the county road agencies to be well defined</p>	<p>This is to ensure there is professionalism in delivery of the county roads.</p>
3	Responsibilities of County Governments	Clause 47 (A)	<p>There are weaknesses across many counties in technical capacity with those heading Roads departments not qualified engineers to make technical decisions</p>	<p>Whereas the CECM responsible for roads will be the head of the county ministry that includes roads, the Head of Department i.e. a Director should be a professional engineer with minimum qualifications</p> <p>Add Clause (4) that specifies the requirement of a director and qualification:</p>	<p>This is necessary to ensure competent and qualified Engineers are in charge of the County Roads and undertaking the responsibilities outlined in section 47 A(1-2)</p>



No.	Part/ Section in the bill/ policy	Clause in the bill/Policy	Comment and/or issue with the clause	Proposed amendment	Justification
				<p>(4) Each County Government department of roads shall be headed by a Director responsible for advising the County Executive Committee Member and the Chief Officer on all matters outlined in section 47 A (1-2). The Director shall be required to be at least a Professional Engineer with 5 years post registration experience in Highway Engineering."</p>	
4	Consequential amendment of the KRB Act Clause 6(2) d	Clause (e) viii	<p>Recommending at least 5% of the RMLF to County Governments</p> <p>Noting that the government has always given the minimum allowed to counties, 5% would be too low to maintain all the county roads.</p>	<p>The allocation to County Governments be reviewed to a minimum 15%.</p>	<p>If the county roads do not receive a reasonable allocation of the dedicated maintenance funds, the overall quality of the road network would be affected, where you move from good NTR roads to poor county roads thereby affecting connectivity as a whole</p>



No.	Part/ Section in the bill/ policy	Clause in the bill/Policy	Comment and/or issue with the clause	Proposed amendment	Justification
			<p>The RMLF was established to ringfence funds for maintenance, knowing the reality of government deliberately allocating funds and if left to counties to make their own determination, the rural network which is critical for accessibility will be in disrepair</p>		
5	Part A & B, Section	A1, A2, A3	<p>The reasons for functional classifications of roads are to ensure that roadways are designed to meet the needs of their users and to help managing traffic flow and implementing safety measures. The classification as show in parts A and B of the bill are so many and may be confusing. First, it should be noted that a National Road can be both an urban road and a rural road. An example is A104 which is</p>	<p><i>This bill should divide the road into three categories - National, County and Municipal/City roads. In each category I propose having four (4) primary functional classifications: Principal Arterials: Major highways that provide high-capacity routes for long-distance travel and connect major urban areas. designed for high-speed traffic and have limited access points.</i></p>	Increase effectiveness



No.	Part/ Section in the bill/ policy	Clause in the bill/Policy	Comment and/or issue with the clause	Proposed amendment	Justification
			<p>urban when it passes through Nairobi, Nakuru and Eldoret towns and rural in between. Second, should a road user be considered differently when planning or implementing road safety measures because he/she is using a road linking sub-county headquarters as opposed to a road to a school or a road strategic to National security. However, that is what rural roads class C, SP and SR imply.</p> <p>Why is the national government making laws regarding county roads (Part B) while the county government has a law-making body?</p>	<p><i>Minor Arterials: Serve as connectors between principal arterials and local roads, providing access to smaller communities and commercial areas. They typically have a moderate level of traffic and access.</i></p> <p><i>Collector Roads: Gather traffic from local streets and funnel it to arterial roads. They provide access to residential areas and local businesses, balancing mobility and access.</i></p> <p><i>Local Roads: Streets that provide direct access to residences and businesses. They have lower traffic volumes and are designed for short trips within neighborhoods</i></p> <p><i>Naturally, the highest percentage of national roads will be principal and Minor Arterials while the bulk of County and municipal</i></p>	



No.	Part/ Section in the bill/ policy	Clause in the bill/Policy	Comment and/or issue with the clause	Proposed amendment	Justification
				<p><i>roads will be collectors and local roads.</i></p> <p><i>There should be a separate county and municipal road bill by their legislative bodies, respectively.</i></p>	
6	Section 6	clause 6(e)(viii)	Meagre resources allocated to counties, yet they are in charge of 81% of the road network	<p><i>(viii) fifteen percent of the allocated funds is allocated to county governments under article 202(2) of the Constitution</i></p>	<p>Article 201 (b) (ii) provides that "revenue raised nationally shall be shared among national and county governments"</p> <p>Article 202 states that "County Governments may be given additional allocations from the national government's share of the revenue, either conditionally or unconditionally"</p> <p>Article 203(2) and (3) "the equitable share of the revenue raised nationally that is allocated to county governments shall not be less than fifteen per cent of all revenue collected by the national government shall be calculated on the basis of the most recent audited accounts, as approved by the National Assembly"</p> <p>Article 219:</p>



No.	Part/ Section in the bill/ policy	Clause in the bill/Policy	Comment and/or issue with the clause	Proposed amendment	Justification
					<p>"a county's share of revenue raised by the national government shall be transferred to the county without undue delay and without deduction, except when the transfer has been stopped under Article 225".</p> <p>RMLF is established by the Road Maintenance Levy Act (1993) and is managed under the provisions of the Kenya Roads Board Act (1999).</p> <p>Constitution recognizes other public funds which are '..... reasonably excluded from the Consolidated Fund by An Act of Parliament and payable to another fund established for specific purposes'.</p> <p>According to the Kenya Roads Board (KRB), Road Inventory and Condition Survey Results of 2023 (Page 3): A total of 239,121.74 Kms of the road network was inventoried countrywide which consists of 164,966.59 Kms of classified roads and 74,155.14 Kms of unclassified roads. The National Trunk Roads (NTR) network mapped is 44,849.26 Km, comprising 44,629.42 Kms of classified roads and 219.84 Km of new (unclassified)</p>



No.	Part/ Section in the bill/ policy	Clause in the bill/Policy	Comment and/or issue with the clause	Proposed amendment	Justification
					<p>roads while the County network is 194,272.47 Kms comprising 120,337.17 Kms of classified roads and 73,935.30 Kms of new (unclassified) roads.</p> <p>From the above analysis, the national government are in charge of 19% of the road network whereas the counties are in charge of 81% of the road network, therefore counties should be allocated not be less than fifteen per cent of all revenue collected by the RMLF.</p>
7	Section 47 of the principle Act, Section 6 (2) of the Kenya Roads Board Act,	Clause 3, Clause 6	<p>1) Upon deleting and replacing section 47 of the parent Act with the proposed amendment, there is no clarity on which classification shall apply until another classification is done.</p> <p>2) Heavy reduction of funding to the national trunk roads from 40% to 36%.</p> <p>3) Generous funding of urban roads, considering</p>	<p><i>Add the following chronologically;</i></p> <p><i>47 (5) The next classification of public roads shall be completed within the first year after the commencement of this Act.</i></p> <p><i>Section 6(2), amend paragraph d with (b), replace the words "thirty-six percent" with "thirty-nine percent"</i></p>	<p>1) The next classification should be done expeditiously after commencement of this Act to ensure continuity of functions.</p> <p>2) The national trunk roads managed by KeNHA currently stand at 24,478 Km, which is more than 50% of the total network assigned to the National Government in 2016. The maintenance standards for national trunk roads are high, and therefore, high cost of maintenance. to cater for the class of traffic using the roads. The Bill proposes 36% to be allocated to the national trunk roads, down from 40%. The reduction is heavy and will lead to inadequate maintenance of the national trunk roads, leading to deterioration</p>



No.	Part/ Section in the bill/ policy	Clause in the bill/Policy	Comment and/or issue with the clause	Proposed amendment	Justification
			<p>the small network to be covered.</p> <p>4) Too much funding for light functions to be undertaken by the department responsible for roads under paragraph 18 of part 1 of the fourth schedule of the Constitution.</p> <p>5) Low funding allocation to county roads at 5%.</p>	<p><i>(c), replace the words "fourteen percent" with "thirteen percent"</i></p> <p><i>e(vii) replace the words "one and a half percent" with "a half (0.5) percent"</i></p> <p><i>e(viii) replace the words "five percent" with "nine percent"</i></p>	<p>and weakening of the roads. The collapse of national trunk roads can occur very quickly if they are not properly maintained, due to the type and volume of traffic using them.</p> <p>3) It is observed that the national road network under urban areas is significantly lower relative to the funding allocated.</p> <p>4) According to the Constitution, resources follow functions. Paragraph 18 of part 1 of the fourth schedule of the Constitution, on the distribution of functions between the National Government and County Governments, has assigned the following functions to the National Government regarding roads:</p> <ul style="list-style-type: none"> a) Road traffic b) Construction and operation of national trunk roads c) Standards for the construction and maintenance of other roads by counties. <p>Road Traffic: According to the Traffic Act Cap 403, the elements of road traffic are: Vehicles (condition and loading), drivers (qualification and conduct), pedestrians (safety), road infrastructure (traffic management systems involving signals, road signs, and markings), traffic surveys, and</p>



No.	Part/ Section in the bill/ policy	Clause in the bill/Policy	Comment and/or issue with the clause	Proposed amendment	Justification
					<p>traffic safety. The responsible entities are the Police, NTSA, KeNHA, KURA, KeRRA, KWS, and the Roads Department only responsible for road infrastructure standards. Construction and operation of national trunk roads: As per the Roads Act, the elements of this function are Management, design, construction, and maintenance of national trunk roads. The responsible entities are KeNHA, KeRRA, KURA and KWS, and KRB for funding. The Roads Department does not have a significant role here.</p> <p>Standards for the construction and maintenance of other roads by counties: The Roads Department has the mandate under this function to develop/review Design Manuals, Standard Specifications, and coordinate matters Road Register and classification.</p> <p>The balance of functions that the Roads Department undertakes is therefore, the development of standards (design manuals, standard specifications, road register, and classification) for design, construction, maintenance, and management of all roads in Kenya, as well as monitoring for compliance.</p>



No.	Part/ Section in the bill/ policy	Clause in the bill/Policy	Comment and/or issue with the clause	Proposed amendment	Justification
					<p>This function cannot take 1.5% of the fund, which would be more than Ksh 1 billion. A reasonable amount is 0.5% to be allocated to the function and managed by the Roads Department.</p> <p>5) In the legal sphere, fuel levy is understood to be a tax that is reasonably excluded from the consolidated fund by an Act of Parliament (RMLF Act, 1993) for a specific purpose. When the purpose is nationwide, then a fair and objective allocation of the fund is required. In the transfer of road functions in 2016, a total of 121,000 Km out of 161,000 Km nationally were transferred to the counties. As defined in this Bill, the county roads form the core of Kenya's rural and urban access. Kenya, being largely agriculture and livestock dependent, with most of the population residing in rural areas, the county roads form a determining factor for the movement of agricultural produce, dairy products, and population from the farm gate and homestead to market or service exchange centers and to national trunk roads. In the cities and towns, the county roads network forms access to businesses and residential areas. Allocation</p>



No.	Part/ Section in the bill/ policy	Clause in the bill/Policy	Comment and/or issue with the clause	Proposed amendment	Justification
					<p>of 5% funds will not have much impact on the maintenance of 121,000 Km of roads, which have increased since 2016.</p> <p>It is worth noting that the amendments in this Bill are a consequence of a court ruling on the funding of county roads from the fuel levy fund. Any perceived unfair allocation of the fund to the intended purpose could be subject to a review of the court, which might extinguish funding of functions or roads in the amended Kenya Roads Board Act that are not clearly defined.</p> <p>A compromise allocation of 9% to the county roads is therefore proposed, while the 10% left for allocation by the Board is proposed at 5% instead.</p>