

**REPORT ON THE PUBLIC PARTICIPATION FORUMS FOR THE TRAFFIC (SCHOOL
TRANSPORT) RULES, 2024**

A. INTRODUCTION

According to WHO, every four minutes a child is prematurely lost on the roads of this world. More than 500 children every day die globally. About 186,300 children die each year from road traffic crashes around the world. Many more are injured, often severely. While the road safety challenge is a global one, the children most likely to die in a road traffic crash live in the world's low- and middle-income countries (LMICs) whereby 95% of road traffic fatalities occur.

Road Traffic injury remain one of the most common causes of mortality in children globally as depicted below:

Rank #	< 5 years	5 – 9 years	10 – 14 years	< 15 – 17 years
1	Preterm birth complications	Diarrhoeal diseases	HIV/AIDS	Road traffic injury
2	Lower respiratory infections	Lower respiratory infections	Diarrhoeal diseases	Self-harm
3	Birth asphyxia / trauma	Meningitis	Road traffic injury	Interpersonal violence
4	Diarrhoeal diseases	Road traffic injury	Lower respiratory infections	HIV/AIDS

Source: World Health Organization, Global Health Estimates, 2014.

In Kenya, about 600 children died in the year 2021 due to road crashes. 20% of all the fatalities in the year 2022 were under 19 years of age. This is summarized as below:

2022 Distribution of fatalities by Age Group in Kenya

There has been an increase in the number of injuries and fatalities involving school children whilst in traffic or around schools.

B. WAY FORWARD

It is on this backdrop that the Authority has formulated The Traffic (School Transport) Rules, 2024 to ensure safety of children on our roads.

Section 119 (1)(g) of the Traffic Act to enable the Minister to formulate rules for *inter alia*:-

119(1) The Minister may make rules prescribing—

(g) all matters relating to the inspection, registration, licensing, regulation and control of vehicles and to the conditions which may be imposed.

C. PUBLIC PARTICIPATION.

a. Forms of public participation undertaken and stakeholders.

In line with constitutional and statutory requirements, the proposed rules have been subjected to intense and widespread public participation through electronic media, written submissions and public forums.

The public participation forums covered forty seven (47) counties whereby the participants were taken through the rules and were also given an opportunity to submit their views, concerns and proposals.

The public participation forums was spearheaded by a technical team well versed in the subject matter as follows:-

	Department	Officers.	Background/Role
1.	Ministry of Roads and Transport	Legal Officers.	-Policy and legal advisory.
2.	Legal Department	- Deputy Director Legal Services. -Manager Legal Services – Former Parliamentary Counsel. -Legal officers	-Legal experts including drafting skills.
3.	Road Safety Department	- Director Road Safety.	-Road Safety experts.
4.	Registration and Licensing Department	-Director Registration and Licensing Department -Deputy Director Licensing	-Registration and Licensing Experts
5.	Regional managers	-Head of each regional office where the forums were undertaken.	-Stakeholder and public mobilization.

6.	Secretariat		-Recording and general organization.
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Copies of the proposed rules were made available to the public and stakeholders either in hard copies for those who attended the public forums or in soft copy through our website for those who chose to submit written comments.

b. Issues raised by stakeholders and public.

From the public participation exercise undertaken, the public and stakeholders raised several issues as detailed below:-

DATE	REGION	VENUE	COMMENTS/CONCERNS/PROPOSALS FROM THE PUBLIC
22 nd April 2024	Garissa, Kitui, Mandera and Wajir Counties	Kitui ATC Hall	• Proposal to have vehicles of 7 sitting capacity be allowed to operate as school vehicles. • Proposal to revise the definition of School vehicles to include bicycles and three wheelers. • Proposal to have special provisions applicable for university buses. • Proposal for revocation of licences for operators and individual vehicles. • Proposal to provide for PSVs transporting students during school opening and closing-introduce short term Road Service License for the conditions under the school transport to apply. • Proposal that the Regulations make specific provisions for colleges and institutions of higher learning-Concern that the Regulations give emphasis to primary and secondary schools only.

			• Proposal that the Regulations specify parental responsibility as regards independent school transport provider. • Proposal that Short Term RSL be introduced when schools are hiring their vehicles. • Proposal that schools use three wheelers as means of school transport. • Proposal to have each school have at least one vehicle for school transport as a minimum requirement to be licensed as a school operator.
22nd April 2024	Meru, /Tharaka Nithi, Marsabit and Isiolo Counties	Meru National Polytechnic	• Proposal to do away with the licenses • Concern that some schools are government funded hence may not have funds for licenses. • Proposal to regulate individuals who volunteer to offer school transport.
23rd April 2024	Embu, Muranga and Kirinyaga Counties	Kenya Agricultural & Livestock Research Organization (KALRO)	• Proposal to do away with comprehensive insurance cover for school buses. • Proposal to expand the definition of vehicle attendant to any staff employed by the school • Proposal to do away with PSV license required for school vehicle attendant • Proposal to delete the requirement on first aid kit as it is in The Traffic Act. • Proposal for the Authority to provide standards on the stop arm signage. • Proposal to split cost of inspection into half within the year. • Concern that too many operators have physical locations specify which to put

24th April 2024	Nyeri and Laikipia Counties	Dekut Enterprises	• Proposal to minimize the service record to six months as most of the vehicles undergo irregular maintenance and services. • Proposal to have school vehicles insured under the third party as most of the vehicles are old. • Proposal to have the Authority develop a draft school transport operations policy adapted by the schools. • Concern that the regulations overrule powers from Ministry of education to operate at night. • Clarification on how the continuous 8 driving hours will be checked. • Proposal to incorporate standards on fire extinguishers. • Suggestion to be exempted from night ban travel if vehicles are hired. • Request to revise from bi-annual to annual inspection • Suggestion to split the cost if inspection is bi-annual • Proposal to include powers of crossing attendant as they are not respected as police • Proposal to require attendants to wear reflectors • Proposal to provide for training of attendants • Clarification on how independent providers will be regulated. • Suggestion to provide age limit of school drivers.
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			• Proposal to include protective Personal Protective Equipment for children.
26th April 2024	Nairobi, Machakos and Kiambu Counties	Utalii College	• Proposal to establish standards for fire extinguishers and first aid boxes to be used in the school transport vehicles. • Proposal to have the school's name on the side of the bus and avoid having the same on rear and front side. • Concern that it is difficult to monitor the driving time. • Proposal to have inspection done annually as bi-annually is costly and will disrupt school activities. • Concern that vehicles of a certain age cannot get comprehensive insurance. • Proposal that speed in school zones be 30Kph. • Proposal to consider children's seat height and age of children occupying front seat. • Proposal to have streetlights infrastructure around schools for increased visibility. • Proposal to include mandatory use of reflective materials in the schools' items including bags, bands, jackets, etc. • Proposal that drivers' age should be capped as per relevant laws (driving school rules). • Proposal to have the driver only drive as many schools bus drivers are overworked
29th April 2024	West Pokot, Turkana, Uasin	Eldoret National Polytechnic	• Proposal to have high schools and universities excluded from the mapping of school transport routes.

	Gichu, Trans nzoia, Nandi and Elgeyo Marakwet Counties		• Proposal to have the report submitted to the authority different from that delivered to the police as the regulation creates duplicity. • Proposal to do away with crossing guard or crosswalk attendant as this is extra cost to the school. • Suggestion to add a clause on the hiring of buses by other schools and individuals.
30th April 2024	Bungoma, Kakamega, Busia and Vihiga Counties.	Kakamega Golf Club Hall	• Proposal to specify the punishment liable to someone who fails to comply with direction of a crossing guard or crosswalk attendant. • Suggestion that school vehicles should be conducted annually. • Proposal that vehicles belonging to schools of higher education should also be equipped with a school vehicle attendant. • Proposal to delete clause on no overtaking at school zone as some schools line a long stretch thus causing travel delays. • Suggestion to sensitize on school zone rules-define explicitly • Proposal to regulate music to be played in school vehicles • Proposal to provide first aid training for the attendants • Proposal to establish a secure reporting line that children can use • Suggestion to specify the drivers' qualifications. • Clarification on seatbelts for small children. • Proposal that the Authority provides a service record template. • Suggestion to delete the clause on bars on windows are required for the student's safety

			• Concern that there is no mention of children with special needs. • Suggestion to split inspection fee if done biannually • Proposal to include bicycles as a means of school transport. • Proposal to make it a requirement that children walking to school to adorn a reflector. • Concern that van/bus seats are big to fit many children especially those below 4 years of age
2nd May 2024	Kisumu, Siaya and Homabay Counties	Maseno University Kisumu Campus	• The vehicular telematic system will be an extra cost and burden to the school and should therefore be done away with. • Proposal to have it as a requirement that the school vehicles be fitted with school limiters. • Proposal to have a list of authorized vehicular telematic system service providers. • Questioned if two drivers are allowed to tackle the 8 hours driving restriction • Consider removing good conduct as the clearance takes long • Request to extend time to midnight from 10pm due to drama and music festivals • Remove CV requirement for drivers • Specify routes for school buses • Remove requirement for good conduct as limits reformed criminals from the hiring pool • To ensure telematics system is pocket friendly • Include freewheeling check in telematics • Specify hand luggage when a pillion what of paper carried • Justification of a backpack be outlined • School buses not frequently used as matatus thus don't need biannual inspection • Allow as many as 5 children on the motorcycle

			• Include tuk-tuks
3rd May 2024	Kisii, Nyamira and Migori Counties	Zonic Hotel	• Proposal to allow foldable seats in school vehicles. • Proposal to train staff on road safety and first aid • Proposal to include elements to be tested during the annual medical test. • Proposal to delete clause on children alighting when fueling • Suggestion to allow drivers to instruct children and attendants on when to cross. • Proposal that stop arm use and rules to be included in driving school curriculum • Proposal to regulate the hiring of school vehicles. • Suggestion that the Authority specifies the medical tests or give template in conjunction with Ministry of Health. • Concern that insurance will not pay claim due to the modifications of lights and stop arm.
6th May 2024	Kericho, Kajiado and Bomet Counties	Anglican Church of Kenya	• Proposal to introduce permit to vehicles intending to operate outside the hours of 5.00 a.m. to 10.00 p.m. • Proposal for the Authority to regulate the hiring of school buses. • Proposal to do away with the requirement not to have students in the bus while fueling. • Proposal to have motorcycle riders to register carry the students • Proposal to include first aid training for attendants and drivers • Clarification on whether there is need for an attendant when school vehicles are hired. • Proposal to rework definition of school bus as some are below 11 passengers.

			• Proposal to do away with the requirement to have an attendant for high school students • Concern that 8 hours is too short consider adding hours especially for cross country travel • Proposal that Government to insure public school vehicles • Clarification on whether to report accidents to NTSA or police • Proposal to specify pick up stops for school buses.
7th May 2024	Nakuru, Nyandarua, Baringo, Samburu and Narok Counties	Alps Hotel	• Proposal to regulate and license motor bikes and tuk tuk for them to carry students. • Proposal to have drivers insured • Proposal to do away with service records. • Proposal to have windows on school vehicles be fitted at the topmost deck. • Proposal that a principal must authorize travel using a work ticket. • Proposal that the license fee varies depending on driving class/seating capacity. • Concern that license fees are too many. Have one license for RSL and school operator • Proposal that the Authority develops a draft transport policy Request for buses to be built on bus chassis not truck chassis as is the current practice • Suggestion to have 3-point seat belts for school buses- can be optional • Clarification on whether speed limiter and telematics can be one gadget • Clarify whether having more than one pillion passenger contravenes the Traffic Act requirement • Proposal to have grills/bars on the windows.

9th May 2024	Makueni County	Jambo Africa Gateway Resort	• Proposal that hiring of school buses by the schools be covered within the Regulations. • Proposal that the Regulations to extensively cover the regulation of independent school transport providers. • Proposal to include an offence for a motorcycle to carry more than two students. • Regulation 6 (1)-Proposal that the Regulation makes it a mandatory requirement for schools to provide a cross guard/attendant.
13th May 2024	Kilifi, Lamu and Tana River Counties	Pine Court Hotel	• Proposal that the inspection certificate not to lapse 30 days prior to renewal. • Proposal to include schools registered as businesses as legal persons eligible for licensing as school transport providers. • Proposal that NTSA trains schools at County level at least once a year. • Proposal that inspection should be done annually, not semi-annually. • Proposal regarding Regulation 9(8) that branding the buses "school bus" on the sides is duplication since the buses are yellow and already branded as such at the front and rear. • Proposal that the cost of telematics be standardized to avoid exploitation by a few suppliers. • Proposal that the Regulations do not have provisions that guarantee safety of the children on motorcycles.

14th May 2024	Mombasa and Kwale Counties	Kenya School of Government	• Proposal the limit of the seating capacity at 11 is stringent. • Proposal that Regulation 4 (b) provides an alternative remedy to cure requirement for renewal of inspection certificate 30 days prior to expiry. • Proposal that the requirement for comprehensive insurance cover at Regulation 5 (1) is excessive and a third party insurance cover is sufficient. • Proposal that the triple requirement for a driver, attendant and crosswalk guard is excessive since the attendant can also double up as a crosswalk guard. • Proposal that Regulation 9 (2) requiring bi-annual inspection is excessive. • Proposal that the Regulations look into the issue of the school transport vehicles having music systems. • Proposal that Regulation 10 (4) specifies the medical tests to be undertaken. • Proposal that Regulation 14 (12) indicates the speed limit to be maintained within the school premises. • Proposal to have schools provide three wheelers/tuktuk and motorcycles as a means of transport and therefore revise the seating capacity of eleven. • Proposal to regulate hiring of school buses within the Regulations. • Clarification on whether provision of school transport through Corporate Social Responsibility by corporate and Government Institutions is covered by these Regulations. • Proposal that the requirement for Road License is expensive • Proposal to specify the requirements on the lights • Proposal that the Regulations specify the powers and the training for crossing guards.
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			• Proposal that these regulations encompass rail, air and water transport • Clarification that there's already existing a detailed school transport policy by the Ministry of Education. • The Regulations to address tinting of school buses and provision of music system • Proposal to have one gadget for both speed limiting and telematics.
15th May 2024	Taita Taveta County	Taita Taveta National Polytechnic	• Proposal that Regulation 5 (1) on the requirement on comprehensive cover is excessive. • Proposal that NTSA develops transport policy for schools. • The time limit of 5am to 10pm is not convenient when schools are hiring their buses. • The provision that inspection certificate should be renewed at least 30 days before expiry to be revised to 45 days • Proposal that provision for cross walk guards and attendants is expensive-teacher on duty can double up as the attendant or cross of guard. • Proposal that the penalty of Ksh. 20,000/- be revised to Ksh. 10,000/- • Proposal that there should be a safety provision addressing kids looking out of/getting outside of windows. • Proposal that biannual inspection is excessive. • Proposal that the Regulations specify what is to be checked during the inspection. • Proposal that the Regulation specify the qualifications of the school attendants. • Proposal that the Regulations specify what rules apply to elementary, secondary and tertiary schools because all the rules

			cannot apply across board for example embarking and disembarking of children. • The limit of minimum seating capacity of 11 is too high. • Proposal that standards be issued for telematic systems. • Concern that the Regulations do not guarantee safety of kids on motorcycles since its not possible to have seatbelts on motorcycles. • Proposal to delete the road license since schools do not have routes because children visit specific places. • Proposal that school transport vehicles to come fitted with all requirements in one – telematic. Speed limiters and seatbelts,
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c. Actions after public participation.

Following the conclusion of the public participation exercise, the Authority relooked at the proposed rules and made several changes incorporating the views of the public where applicable and addressing some of the gaps that we noted existed as detailed below:-

1. Definition of terms e.g school vehicle, driving time
2. Provision of templates e.g service record and post accident reports.
3. Application to different levels of education
4. Cost Implications: Insurance, Inspection and licensing fees.
5. Qualifications, duties and powers of a vehicle attendant and crosswalk guard.
6. School zone requirements

D. CONCLUSION.

The proposed Rules have undergone intense and participatory stakeholder and public consultation as required by the Constitution and Statutory Instruments Act as evidenced by the substantive changes to the original proposal.

Further it is our firm belief that the Rules once enacted and implemented will ensure safety of school going children on our road thereby leading to a notably reduction in the number of fatalities in Kenya.







