

Approved for tabling ~~BA~~ SNA

PARLIAMENT OF KENYA

9/8/18



THE NATIONAL ASSEMBLY  
TWELFTH PARLIAMENT - SECOND SESSION

**THE DEPARTMENTAL COMMITTEE ON TRANSPORT,  
PUBLIC WORKS AND HOUSING**

**REPORT**

**ON**

**CONSIDERATION OF THE PETITION UNDER ARTICLES 26(1), 28 AND  
35 OF CONSTITUTION OF KENYA 2010 AND THE TRAFFIC ACT 2012  
WITH REGARDS TO KENYA TRAFFIC ROAD ACCIDENTS**

**DIRECTORATE OF COMMITTEE SERVICES  
CLERK'S CHAMBERS  
NATIONAL ASSEMBLY  
PARLIAMENT BUILDINGS  
NAIROBI**

**AUGUST 2018**



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AUGUST 2018

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## **LIST OF ABBEVIATIONS**

- MP - Member of Parliament
- PSV - Passenger Service Vehicle
- NTSA - National Transport and Safety Authority
- NMT - Non- Motorized Traffic
- CS - Cabinet Secretary
- IG - Inspector General
- DVR - Digital Service Recorder
- CCTV - Closed Circuit Television
- CEO - Chief Executive Officer

**ANNEXURES**

Annex 1: Copy of Petition

Annex 2: Response by NTSA

Annex 3: Response by Petitioner

Annex 4: Committee Minutes

## 1.0 PREFACE

The Petition was tabled before the House and was committed to the Departmental Committee on Transport, Public Works and Housing for consideration pursuant to standing order 227. The Committee considered the Petition pursuant to the said standing order.

### 1.1 Committee Membership

The Committee on Transport, Public Works and Housing as constituted by the House comprises of the following members:

1. Hon. David Pkosing CBS, MP - **Chairperson**
2. Hon. Moses Kuria, MP - **Vice Chairperson**
3. Hon. Samuel Arama, MP
4. Hon. David Njuguna Kiaraho, MP
5. Hon. Savula Ayub Angatia, MP
6. Hon. Suleiman Dori Ramadhani, MP
7. Hon. Johnson Many Naicca, MP
8. Hon. Peris Pesi Tobiko, MP
9. Hon. Ahmed Abdisalan Ibrahim, MP
10. Hon. Ahmed Bashane Gaal, MP
11. Hon. Dominic Kipkoech Koskei, MP
12. Hon. Kulow Maalim Hassan, MP
13. Hon. Mugambi Murwithania Rindikiri, MP
14. Hon. Gideon Mutemi Mulyungi, MP
15. Hon. Rehema Dida Jaldesa, MP
16. ~~Hon. Rigathi Gachagua, MP~~
17. Hon. Shadrack John Mose, MP
18. Hon. Tom Mboya Odege, MP
19. Hon. Vincent Kemosi Mogaka, MP

## 1.2 Committee Secretariat

- |                             |                              |
|-----------------------------|------------------------------|
| 1) Ms. Chelagat Tungo Aaron | <b>First Clerk Assistant</b> |
| 2) Mr. Ahmed Salim Abdalla  | <b>Third Clerk Assistant</b> |
| 3) Ms. Mercy Wanyonyi       | <b>Legal Counsel</b>         |
| 4) Mr. James Muguna         | <b>Research Officer</b>      |
| 5) Mr. Eugene Luteshi       | <b>Audio Officer</b>         |
| 6) Mr. Abdinasir Moge Yusuf | <b>Fiscal Analyst</b>        |
| 7) Ms. Zainabu Wario        | <b>Sergeant at Arms</b>      |
| 8) Mr. Yeziel Jilo          | <b>Sergeant at Arms</b>      |

## 1.3 Committee Mandate

The Departmental Committee on Transport, Public Works and Housing is established under Standing Order 216(1) whose mandate, pursuant to the Standing Order 216 (5), is as follows;

- a. investigate, inquire into, and report on all matters relating to the mandate, management, activities, administration, operations and estimates of the assigned Ministries and departments;
- b. study the programme and policy objectives of Ministries and departments and the effectiveness of the implementation;
- c. study and review all legislation referred to it;
- d. study, assess and analyze the relative success of the Ministries and departments as measured by the results obtained as compared with their stated objectives;
- e. investigate and inquire into all matters relating to the assigned Ministries and departments as they may deem necessary, and as may be referred to them by the House;
- 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 204 (*Committee on Appointments*);
- g. examine treaties, agreements and conventions;
- h. make reports and recommendations to the House as often as possible, including recommendation of proposed legislation;

- i. make reports and recommendations to the House as often as possible, including recommendation of proposed legislation;
- j. consider reports of Commissions and Independent Offices submitted to the House pursuant to the provisions of Article 254 of the Constitution; and
- k. examine any questions raised by Members on a matter within its mandate.

Further, the Second Schedule to the Standing Orders mandates the Committee to consider matters relating to the following subjects:-

- a) Transport;
- b) Roads;
- c) Public works;
- d) Construction and maintenance of roads, rails and buildings;
- e) Air and seaports; and
- f) Housing.

In executing this mandate, the Committee oversees various State Departments, namely:

- i. The State Department of Transport;
- ii. The State Department of Infrastructure;
- iii. The State Department of Housing and Urban Development;
- iv. The State Department of Public Works; and
- v. The State Department of Shipping and Maritime Affairs.

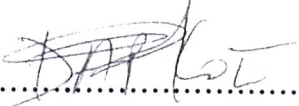
#### **1.4 Committee Meetings**

The Committee held two sittings during which the Petition was considered and a report was adopted.

#### **1.5 Acknowledgements**

- a. The Committee wishes to sincerely thank the Offices of the Speaker and the Clerk of the National Assembly for the necessary support extended to it in the execution of its mandate.
- b. I also take this opportunity to thank all Members of the Committee for their patience, sacrifice, endurance and commitment to Public Service under tight schedules which enabled us to complete the task within the stipulated period.
- c. The Committee wishes to record its appreciation for services rendered by the Committee Clerks and other staff of the National Assembly attached to the Committee. Their efforts and input made the work of the Committee and production of this Report possible.

d. The Departmental Committee on Committee on Transport, Public Works and Housing presents and recommends this report to the House pursuant to the provisions of Standing Orders of the National Assembly.

Signed.......... Dated...6/08/2018.....

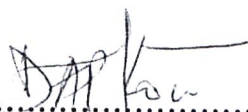
Hon. David Pkosing CBS, M.P  
(Chairperson)

DEPARTMENTAL COMMITTEE ON COMMITTEE ON TRANSPORT, PUBLIC  
WORKS AND HOUSING

### 1.6 Adoption of the Report

We the members of the Departmental Committee on Transport, Public Works and Housing have pursuant to Standing Order 199 adopted this Report on the consideration of the Public Petition on the Traffic Act 2012 with regards to Kenya traffic road accidents. We affix our signatures to affirm our approval and confirm its accuracy, validity and authenticity today Sunday 6<sup>th</sup> August, 2018:-

1. Hon. David Pkosing CBS, M.P



.....

**Chairperson**

2. Hon. Moses Kuria, M.P.

.....

**Vice Chairperson**

3. Hon. Samuel Arama, M.P.




.....

4. Hon. David Njuguna Kiaraho, M.P.

.....

5. Hon. Johnson Many Naicca, M.P.




.....

6. Hon. Rigathi Gachagua, M.P

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7. Hon. Peris Pesi Tobiko, M.P.



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8. Hon. Suleiman Dori Ramadhani, M.P.

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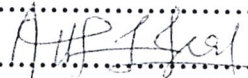
9. Hon. Savula Ayub Angatia, M.P.

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10. Hon. Ahmed Abdisalan Ibrahim, M.P.

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11. Hon. Ahmed Bashane Gaal, M.P.



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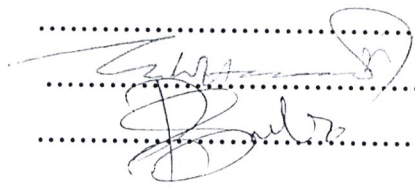
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13. Hon. Gideon Mutemi Mulyungi, M.P.

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14. Hon. Kulow Maalim Hassan, M.P.



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15. Hon. Mugambi M. Rindikiri, M.P.

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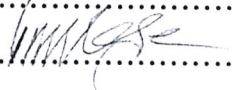
16. Hon. Rehema Dida Jaldesa, M.P.

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17. Hon. Shadrack John Mose, M.P.

.....

18. Hon. Tom Mboya Odege, M.P.



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19. Hon. Vincent Kemosi Mogaka, M.P.

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## **2.0 BACKGROUND**

### **2.1 The Petition**

The Petition was presented to the National Assembly by Messrs. Peter Mugo Mukua, Daniel Macharia Mukua and John Kefa Korir. It proposed amendments to the relevant sections of the Traffic Act 2012 as a way of curbing the traffic accidents menace in the country.

In their petition, the three petitioners wanted to draw the attention of the House to the following:

1. That the Kenya road accidents and carnage are very high and require very urgent attention and should be declared a national disaster so that more resources, time and energies are allocated and directed towards stopping this runaway loss of innocent promising lives.

2. That under fourth schedule of the Constitution of Kenya 2010, the function of Public Road transport is under county governments and therefore their prayer was that we introduce in the Traffic Act 2012 formation of County Road Safety Boards headed by the Governor.

3. That their prayer for introduction in the Traffic Act 2012 of five items listed hereunder and explained there below will give full effect to article 26(1) of the Constitution of Kenya 2010. They want public road transport to be the transport mode of choice because it will be the safest, convenient, comfortable, reliable and economical. The five items are:

- i. infrastructure and operations ;
- ii. vehicle maintenance, compliance and incentives;
- iii. establishment of county roads safety boards and public information;
- iv. public education and social responsibility; and
- v. judicial expediency.

They submitted that these measures when entrenched in the Traffic Act 2012 and operationalized will drastically reduce preventable road accidents by 95%. This year with the changes and additions proposed above, they expect the traffic road accidents to reduce by 50%.

Under the five items that formed the basis of the petitioners' prayers, the petitioners submitted as follows:

**(i) That under Infrastructure and operations item,** their prayer is for the following to be effected:

a) Establishment of permanent county traffic check posts complete with speed checkers & surveillance cameras along the highways and main roads after every 50kms.

b) Have permanent patrols along the highways and main roads by a mobile traffic officer vehicle equipped with the necessary first aids and lifesaving equipment within the 50kms intervals.

c) The area traffic commanders to be compelled to do at least one impromptu patrol along those Highways and main roads daily to ensure that the traffic rules and regulations are not compromised whatsoever. He/she will make daily documented status reports and updates on the state of roads in their specific allocated area. All senior relevant officials to be directly involved in enforcing traffic rules and regulations personally carry out impromptu checks.

d) The county traffic marshals, police department to be autonomous units with own posts. This will enable more energies and resources to be channelled towards the units.

e) Embedded traffic officer inside the long distance PSV vehicles preferably at the front seat .They could hand over after every 200 km. This will ensure compliance with traffic rules and regulations for the PSV vehicles.

e) Eliminate Black Spot: This will be by electing reasonable round speed bumps in areas considered black spot. De-tour the black spots. Ensure that at the black spots prominent illuminating traffic warning signs are put up in place within a kilometre. Reconstruct such stretches, enhance patrols in the area considered such.

**(ii) That under vehicle maintenance, compliance and incentives item;**

The Petitioners' prayer is for the following to be effected:

a) PSV vehicles especially long distance ones to have scheduled travel containing trip time table which must be presented to the traffic officers on demand. This is one measure of controlling over speeding.

b) National standardized vehicle maintenance and service record form from approved and registered garages that the driver must present to the traffic officer on demand.

c) Digitalised driver's identification card with a photo indicating that he/she is authorised and registered (by relevant authorities) to drive that PSV vehicle.

- d) Driver's clean bill of health certificate renewable six months or as you may deem appropriate, confirming that the driver is medically fit and free of prohibited drugs and alcohol addiction which the driver must present to the traffic officer on demand. NTSA to establish a free medical examination centres which will internally and confidentially forward results for consideration before being issued with the Driver's clean bill of health certificate.
- e) PSV driving licence to be strictly annually renewable subject to the number of traffic offences convictions as will be prescribed by the relevant act.
- f) Compel PSV vehicles to install operational 2 camera audio DVR CCTV showing clear front view and inside view which may be evaluated in case of an accident.
- g) Establish a county and national annual incentive awards scheme for the best PSV Sacco's covering various categories including least accidents, best maintained vehicles, best training and qualified drivers, least traffic offences.
- h) PSV vehicles to be compelled to display legible first aid posters. They proposed this to be added to the Traffic Act 2012.
- i) PSV vehicles to be fitted with the airbags depending on the size as well as impact bars.

**(iii) That under the establishment of county road safety boards and public information item:**

- a) There be established a County Road Safety Board in each county. The Board will have monthly meetings and will be shared by the Governor and members will include county traffic commandant, representative from each of the PSV SACCOs, county government transport & infrastructure ministry, top county and sub county traffic chiefs.
- b)The Governor in each county to be compelled to give public monthly state of roads address including the number of accidents, fatalities, number of un-roadworthy/non-compliant and roadworthy/compliant vehicles, state of the roads and the measures taken to address the challenges. This will ensure they take responsibility.
- c) Establish a toll free rapid response radio call number. The call number will be prominently displayed in the vehicle.

**(iv) That under the Public education and social responsibility item;**

The petitioners proposed introduction in the education curriculum the compulsory subject on Safety, Health, Nutrition and Environment (SHEN). This will inculcate a sense of responsibility from the early stage of life.

All PSV SACCOs to annually teach and enlighten their drivers and conductors on the traffic act.

**(v) That under the judicial expediency item;**

The petitioners proposed that court cases be finalised within 6 months. They argued that in this way justice will not be delayed or derailed and traffic offenders will have extra caution when flouting the rules and regulations. We proposed this to be added to the relevant sections of the Traffic Act 2012.

### **3.0 CONSIDERATION OF THE PETITION BY THE COMMITTEE**

- a. The Committee held two sittings and deliberated on the Petition presented by the three Petitioners.
- b. The Committee considered the Petition pursuant to the provisions of the Standing Orders of the National Assembly and Petition to Parliament (Procedure) Act.
- c. In the first sitting held on 21<sup>st</sup> June 2018, the Committee met the petitioners who expounded on their proposals, and also met the National Transport and Safety Authority (NTSA) who gave their detailed response to each point raised by the petitioners.

### **3.1 Prayers**

The Petitioner prays that Parliament:

Initiate a motion to add to the Traffic Act 2012 or the relevant section of the Traffic Act as the Parliament may deem appropriate various items on:

- i. Infrastructure and operations;
- ii. Vehicle maintenance, compliance and incentives;
- iii. Establishment of county roads safety boards and public information;
- iv. Public education and social responsibility; and
- v. Judicial expediency.

### **3.2 Submissions by the National Transport and Safety Authority (NTSA)**

In their presentation before the Committee, the NTSA submitted as follows:

#### **(i) On Infrastructure and Operations**

The NTSA submitted that the proposals contained in paragraphs numbered the Petition relate to enforcement of the law which is a preserve of the National Police Service and therefore best placed to respond to the proposals.

#### **(ii) On Vehicle Maintenance, Compliance and Incentive Items**

##### **a. Trip timetable to control over-speeding.**

Currently the following legislative provisions are in place to control over speeding in long distance PSVs”-

1. Fleet management systems. **Regulation 11** of the **National Transport and Safety Authority (Operations of Public Service Vehicles) 2014** (hereinafter referred to as the PSV Regulations) contained in Legal Notice 23 of 2014 requires that:-

*Every operator of a long distance passenger service vehicle shall—*

*(a) have in place or outsource a fleet management system" capable of recording speed and location of the vehicle at any one time;*

*(b) subscribe to a data storage system capable of storing data on vehicle speed, location and operation for a period of thirty days and when required by the Authority provide the data to the Authority before the expiry of the prescribed storage period;*

2. Speed limiters. **Section 41A** of the Traffic Rules contained in The Traffic Act provide that:-

*41A. (1) The engine of*

*(a) every public service vehicle, except taxi cabs;*

*(b) every commercial vehicle whose tare weight exceeds 3048kg shall be fitted with a speed governor which -*

*(i) conforms to such specifications as the Minister may by notice in the Gazette prescribe;*

*(ii) is adjusted so that all times, and in any load condition, the vehicle cannot exceed the speed of 80 kph.*

Further **Section 119** of the Traffic Act empowers the Cabinet Secretary to prescribe other devices for speed management. The specific provisions provide:-

*119. (1) The Minister may make rules prescribing -*

*(da) devices to be fitted to any class or type of vehicle for restricting their speed to a specified speed (and different devices and different speeds may be prescribed for different classes or types of vehicles);*

*(db) tachographs or other instruments for recording their speed and other details of their operation to be fitted to any class or type of vehicle;*

It is important to note that the need to introduce these gadgets was informed by the need to regulate the speed of vehicles with a focus more on mechanical or technology as opposed to human intervention which mostly results in increased opportunities for corruption.

The idea of a timetable is prone to severe manipulation and provides more opportunities for corruption. For this reasons it is was their opinion that it would not be effective. However should the Committee deem it necessary to include this timetable in legislation, it would be more appropriate and desirable given its operational nature to include it in the PSV Regulations as opposed to the Traffic Act.

**b. On National Standardized Vehicle Maintenance and Service Forms.**

The NTSA submitted that the purpose of this proposal is to ensure that PSVs are in good mechanical condition.

To this end the Traffic Act provides for a mandatory annual motor vehicle inspection of all public and commercial service vehicles where the mechanical condition of the vehicles is assessed and certified.

In addition **Regulation 5** of the PSV Regulations requires that a PSV operator have in place a qualified mechanic. Specifically the section provides that:-

*5. (1) A person desirous of operating public service vehicles shall be a member of a body corporate which shall have:-*

*(v) a qualified mechanic or a contract under which the services of a mechanic are outsourced;*

The purpose of this regulation is to ensure that the person engaged in the service or maintenance of the vehicle has the requisite qualifications.

**Regulation 7 (h) and (i)** contains a dual obligation that an operator inspects the vehicle on a weekly basis or before the commencement of a journey, the inspection of the vehicle by a qualified mechanic and the keeping of a record of the mechanical defects identified and rectified for a minimum period of 6 months.

The section specifically provides as follows:-

*7. Every operator of licensed public service vehicles shall –*

*(h) on a weekly basis and, in the case of a long distance passenger service, before the commencement of each journey, have the vehicle inspected by a qualified mechanic for defects according to a check list which shall cover at a minimum tyres, lights, safety belts, brake pads, wipers, and warning horn; and*

*(i) keep a record of the defects identified during the defects inspection for a minimum period of six months and of the actions taken to rectify the defects,*

The NTSA submitted that these records are open to the Authority or police for inspection at any time and the purpose of this regulation is to ensure that there is a record on the condition of the vehicle.

Though the above provisions adequately address the issue of vehicle maintenance the Authority proposes to incorporate the petitioners' proposal for the requirement for PSVs to keep a prescribed form or record on the maintenance of the vehicle.

However it was their proposal that:-

- This proposal due to its operational nature be contained in the PSV Regulations as opposed to the Traffic Act.
- This form or record forms part of the documents that a transport operator should keep in their office as opposed to being carried in the vehicle.
- This form or record be open for inspection at the office by a police officer or NTSA officer upon demand.

On the issue of registering the garages, the NTSA noted that it was practically impossible to register all garages in Kenya considering that most are found in the informal sector. They proposed in the alternative that the Committee direct KEBS in conjunction with NTSA and other stakeholders to develop standards for the garages. The standards can then require that all PSVs and CVSs be serviced at a KEBS certified garage.

**c. Digitized driving license.**

A digitalized driving license has been developed by NTSA and is currently in the process of being rolled out.

**d. Drivers clean bill of health.**

**Section 105 A** of the Traffic Act address the issue of the health of a PSV driver by providing that:-

*105A. (1) A driver of a public service vehicle or a commercial vehicle shall, after every three years from the date of issue of a driving license pursuant to section 30, or renewal of such license, whichever is the case, undergo a physical fitness test, including an eye and hearing test by a qualified medical practitioner.*

*(2) A driving license shall not be renewed under this Act unless the person seeking the renewal produces to a licensing officer a report prepared by the medical practitioner certifying the condition of the applicant's physical fitness, including the condition of the person's eye sight and hearing ability, and whether or not that condition or ability makes the applicant fit to drive a motor vehicle.*

In the newly enacted **Driving School, Driving Instructor and Driving Licenses Rules 2018** contained in **Legal Notice No 81 of 2018** and the new curriculum for the testing and training of drivers contains comprehensive and detailed provisions and requirements on the health of drivers.

NTSA was therefore of the opinion that the matter in terms of legislative provisions is adequately addressed and undertakes to focus on the implementation of the said provisions.

In regard to the establishment of free medical examination centers, it is important to point out that this is beyond the mandate of the Authority and therefore ultra vires the NTSA Act. Further this can be considered a duplication of scarce government resources as the same services can readily be provided at public hospitals.

It is therefore our position that as regards the proposal concerning the health of a PSV driver, the same is adequately addressed and does not warrant amendment.

**e. Driving license of PSV to be renewed annually depending of traffic offences.**

The Traffic Act in section **117A** provides for the assignment of demerit points for all drivers whereby the driving license shall be suspended or revoked upon the attainment of a certain number of points.

With the introduction of the new digital driving license, the Authority is now in a position to actualize this system as proposed by the petitioners.

**f. Compel PSVs to install cameras.**

This is an idea that the Authority considered introducing. However the cost of installing such camera would be prohibitive for the operators who would in turn pass the cost to the public leading to higher costs of transportation. Further on a cost benefit analysis the costs outweigh the benefits.

**g. Establish a national incentive awards scheme.**

The Authority in conjunction with various stakeholders have launched an awards scheme where the best transport operator is feted. The Authority will strive to ensure that the same is an annual event.

It is therefore the NTSA's submission that the inclusion of the above in law is unnecessary.

**h. Eligible first aid posters.**

It is important to note that the Traffic Act in the Traffic Rules makes it mandatory for every PSV and Commercial Vehicle to have a first aid kit.

In addition to this, the PSV Regulations in **Regulation 10** require the subscription to an emergency aid system eg red cross or St John's Ambulance who would ensure provision of medical assistance in the event of an accident. The Section specifically provides as follows:-

- (2) A person applying for a long distance night passenger service license shall —
- (g) ensure or subscribes to an accident and emergency mutual aid system.

The new curriculum developed by NTSA also incorporates as part of the syllabus a mandatory comprehensive course on first aid. It is also important to note that during its sensitization road safety campaigns the issue of first aid is included.

A more effective way of disseminating first aid knowledge and skills is including it in the education curriculum as proposed by the petitioners under the item numbered 7 in their petition.

However, should the Committee feel its inclusion necessary the same due to its operational nature should be included in the PSV Regulations and not the Traffic Act.

**i. Fitted with airbags and side bars.**

The fitting of airbags in PSVs though ideal is not practical. There is nowhere in the world where this is done and if it was possible the costs would be prohibitive.

To enhance safety of the vehicle itself the Authority in conjunction with KEBS developed **Kenya Standard 372 Passenger Vehicle Body Construction** in 2017. This standard provide for the minimum structural requirements in the building of the body of PSV Vehicles thus improving the structural integrity of the vehicles.

**(iii) On Establishment of County Road Safety Boards and Public Information**

**(a) Establishment of county road safety boards and public information item.**

The proposed county road safety boards are already contained in the NTSA Act in section 21 and are referred to as County Transport and Safety Committees. These committees have diverse representation are stipulated in section as follows:-

21.(1) The Authority may establish in each county, a committee to be known as the county transport and safety committee.

(2) A County Transport and Safety Committee established under subsection (1) shall consist of-

(a) the officer in charge of traffic in the county who shall be the secretary to the committee;

(b) two persons responsible for overseeing the registration and licensing of vehicles within the county nominated by the Board.

(c) one person nominated by the Association of Public Transport Operators to represent the Association;

(d) one person with knowledge and experience in matters relating to transport within the county nominated by the county governor; and

(e) two persons nominated by the county governor on the recommendations of the Authority to represent such special interests within the county as the Authority shall determine

The functions of these committees contained in section 22 are inter alia:-

- (a) oversee the management and regulation of the road transport system by the Authority at the county level;
- (b) prepare and submit to the Authority such audit reports as the Authority may require on the safety, reliability and efficiency of the road transport system within the county;
- (c) advise the Authority on matters affecting the road transport system within the county; and
- (d) perform such other functions as may be assigned to it by the Authority.

The proposal for the establishment of these road safety boards is therefore already provided for under the NTSA Act.

It is also important to note that the Authority publishes an annual report of all road fatalities. This report contains a classification by counties and by roads and we believe that this adequately addresses the proposals of a monthly state of the road address.

In regard to the establishment of a toll free rapid radio call number, the Authority is already in the process of establishing this number. Further this being an operational issue, it is covered in legislation under the function of road safety.

**(iv) On Public Education and Social Responsibility Item**

The Authority supports the introduction into the education curriculum the issue of road safety. However this is a matter is better suited to be addressed by the Ministry of Education and not through an amendment of the Traffic Act.

It is worthwhile to note that NTSA holds sensitization workshops and programs with sacco where road safety issues and the Traffic Act are discussed with sacco officials, drivers and

conductors. This is adequately covered under the function of promotion of road safety awareness and therefore no need for any legislative intervention.

(v) **On Judicial Expediency Item**

The NTSA concurred with the petitioners that efficiency in administration of justice is a key element in the quest to a better regulated road transport system.

In recognition of this fact NTSA enacted the Traffic Minor Offences Rules otherwise known as the instant fines rules. Under these rules minor offences had been ascribed to fixed penalties (not exceeding twenty thousand shillings) which would be paid instantly through electronic means. The rules also catered for bail payments which were to be equivalent to the corresponding fine.

In addition to the increased efficiency in terms of time for the offenders, police and judiciary, the above system had the following advantages:-

- Reduction in corruption.
- Increased transparency in fine collection as the procedures lend themselves to automation and computerization
- The offender avoids the social stigma and legal disabilities which attach to prosecution and conviction in court
- The offender's right to have the charge determined by a court and to plead in mitigation of penalty is retained
- Enhanced enforcement due to the ease and short time it takes to issue an infringement notice compared to taking a prosecution to court

Unfortunately the same was challenged in court and an injunction halting its implementation granted on **13<sup>th</sup> October 2016**. Almost 3 years later the matter despite having high public interest is yet to be substantively heard despite the vigorous efforts of NTSA.

## **NTSA's Conclusion**

In conclusion, the National Transport and Safety Authority (NTSA) agreed with the petitioners' position that judicial expediency is key to the reduction of road fatalities. However the NTSA's position was that this cannot legally be addressed by an amendment of the Traffic Act but by an amendment of the statutory instruments that govern the operations of the judiciary.

## **4.0 COMMITTEE'S OBSERVATIONS**

The Committee noted that:

- i. The petition was drawing the attention of the National Assembly to the alarming cases of the accidents in the country; a matter that the Departmental Committee on Transport, Public Works and Housing had seriously considered and engaged stakeholders earlier during the beginning of the year 2018.
- ii. The establishment of permanent county traffic check points complete with speed checkers and surveillance cameras along the highway and main roads after every 50kms, permanent patrols along the highways and main road by a mobile traffic officer vehicle and the elimination of blackspots is an enforcement issue which ought to be addressed by the police.
- iii. On vehicle maintenance, compliance and incentives item, Regulation 11 of the NTSA (Operations of Public Service Vehicles) 2014 has provisions on fleet management systems, section 41A of the Traffic Rules has provisions on speed limiters and further section 119 of the Traffic Act empowers the Cabinet Secretary to prescribe other devices for speed management.
- iv. The proposal for a trip timetable to control over speeding would be prone to severe manipulation and would provide more opportunities for corruption. However the same could be included in the PSV Regulations as opposed to the Traffic Act.
- v. On national standardized vehicle maintenance and service form, The Traffic Act provides for mandatory annual motor vehicle inspection of all public and commercial vehicles where the mechanical condition of the vehicle is assessed and certified.
- vi. The proposed requirement for PSVs to keep a prescribed form or record on the maintenance of the vehicle could be incorporated in the PSV Regulations as opposed to the Traffic Act.

- vii. On the issue of registering all garages, it's practically impossible to register all garages in Kenya considering that most are found in the informal sector.
- viii. On the introduction of a digitalized licence, a digitalized driving licence has been developed by the NTSA and is currently in the process of being rolled out.
- ix. As regards a driver's clean bill of health, it's mandatory pursuant to section 105A of the Traffic Act for a driver of a public service vehicle or a commercial vehicle to undergo a physical fitness test after every three years from the date of issue of a driving licence.
- x. With regards to the renewal of driving licence's of PSV vehicles annually depending on traffic offences, section 117A of the Traffic Act provides for the assignment of demerit points whereby a driving licence shall be suspended or revoked upon the attainment of a certain number of points.
- xi. On mandatory installation of cameras by all PSVs, the cost of introducing would be prohibitive to operators who would in turn pass the cost to the public leading to higher costs of transportation.
- xii. As regards the establishment of a national incentives award scheme, the NTSA in conjunction with various stakeholders have launched an awards scheme where the best transport operator is feted.
- xiii. With respect to first aid posters, the Traffic Rules make it mandatory for every PSV and commercial vehicle to have a first aid kit.
- xiv. On the establishment of County Road Safety Boards and public information, the same is provided for in section 21 of the NTSA Act which establishes the County Transport and Safety Committees.
- xv. As regards the introduction into the education curriculum the issue of road safety, the same can be addressed by the Ministry of education and not through an amendment to the Traffic Act.
- xvi. With respect to judicial expediency, the NTSA had enacted the Traffic Minor Offences Rules which provided for instant fines for minor offences. However, the same was challenged in court and an injunction halting its implementation granted on 13<sup>th</sup> October 2016.

## 5.0 RECOMMENDATION

The Committee recommends that

### 1. Under the infrastructure and operations item

That pursuant to section 69A of the Traffic Act, Cap 403, the Inspector General of Police may by notice in the *Gazette*, designate a place along a public road on which a police roadblock may be mounted. Proposals relate to enforcement of the law which is a preserve of the National Police Service since the law has already provided for the same.

### 2. On vehicle maintenance, compliance and incentives item

Regulation 11 of the NTSA (Operations of Public Service Vehicles) 2014 has provisions on fleet management systems, section 41A of the Traffic Rules has provisions on speed limiters and section 119 of the Traffic Act, Cap 403 empowers the Cabinet Secretary to prescribe other devices for speed management. Further, the Traffic Act in section 117A provides for the assignment of demerit points for all drivers whereby the driving license shall be suspended or revoked upon the attainment of a certain number of points. The Traffic Rules makes it mandatory for every PSV and Commercial Vehicle to have a first aid kit. In addition to this, the PSV Regulations in Regulation 10 require subscription to an emergency aid system eg red cross or St John's Ambulance who would ensure provision of medical assistance in the event of an accident.

**3. On the introduction of a digitalized licence,** a digitalized driving licence has been developed by the NTSA and is currently in the process of being rolled out.

**4. On the establishment of County Road Safety Boards and public information,** the same is provided for in section 21 of the NTSA Act which establishes the County Transport and Safety Committees.

### 5. On judicial expediency,

The NTSA had enacted the Traffic Minor Offences Rules, 2016 which provided for instant fines for minor offences. However, the same was challenged in court and an injunction halting its implementation granted on 13<sup>th</sup> October 2016.

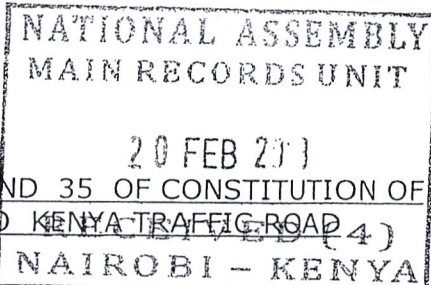
Signed.......... Dated..........

Hon. David Pkosing CBS, M.P - Chairperson

DEPARTMENTAL COMMITTEE ON COMMITTEE ON TRANSPORT, PUBLIC  
WORKS AND HOUSING

PETITION TO PARLIAMENT UNDER ARTICLES 26(1),28 AND 35 OF CONSTITUTION OF KENYA 2010 AND THE TRAFFIC ACT 2012 WITH REGARDS KENYA TRAFFIC ROAD ACCIDENTS

To: National Assembly of Kenya  
C/O The Clerk, Kenya National Assembly,  
Parliament Buildings.  
P.O Box 41842 - 00100, Nairobi, Kenya



RE: PETITION TO PARLIAMENT UNDER ARTICLES 26(1),28 AND 35 OF CONSTITUTION OF KENYA 2010 AND THE TRAFFIC ACT 2012 WITH REGARDS TO KENYA TRAFFIC ROAD ACCIDENTS

WE, the undersigned, Citizens of Kenya, wish to state that it is in the public interest that we formally lodge this petition.

We humbly draw the attention of the House to the following:

1. That the Kenya road accidents and carnage are very high and require very urgent attention and should be declared a national disaster so that more resources, time and energies are allocated and directed towards stopping this runaway loss of innocent promising lives. Each and every life is very precious. One life lost is just too much, costly and unbearable. Article 26(1) of the constitution of Kenya 2010 states that every person has the right to life. Article 28 of the constitution of Kenya 2010 states that every Kenyan has inherent dignity and right to have that dignity respected and protected. They require to be safety transported in the most dignified manner.

According to WHO, globally Kenya has one of the highest road accidents fatalities at 29 per 100,000. In 2017 alone we lost according to reported fatalities data 2919 which is drop of 46 persons (a dismal 1.55 % decrease !) from the 2016 figure of 2965 persons. Beyond these fatalities are thousands maimed, incapacitated and millions more in families left devastated not to mention the very heavy cost to Kenyans and the economy. Many manhours are lost. Simply put we are suffering bitterness.

We say tomorrow is too far as more lives are lost. We lost more lives in Kisumu even before dust settled on the much talked nine Kenyans from one village called Kiboya in Ndaragua constituency, Nyandarua County who were very painfully killed in the Nyeri - Nyahururu grisly road accident, the gallant Mrs Robert Ouko, the bishops from Meru among many others not forgetting the The governor of Nyeri county last year. Road accidents know no time and location, spare no persons, regards no age, respects no status in society. They are catastrophic and very painful to say the least. They can happen me, you and them anytime

2. That under fourth schedule 5 (a,c,d) in the constitution of Kenya 2010, the function of Public Road transport is under county government and therefore our prayer is that we introduce in the traffic act 2012 formation of county road safety boards headed by the Governor.

3. That our prayer for introduction in the traffic act 2012 of five items listed hereunder and explained there below will give full effect to article 26(1) of the constitution of Kenya 2010. We want public road transport to be the transport mode of choice because it will be the safest, convenient, comfortable, reliable and economical. The five items are:

- i. infrastructure and operations.
- ii. vehicle maintenance, compliance and incentives.
- iii. establishment of county roads safety boards and public information.
- iv. public education and social responsibility v. judicial expediency.

These measures when entrenched in the traffic act 2012 and operationalized will drastically reduce preventable road accidents by 95%. This year with the changes and additions proposed above, we expect the traffic road accidents to reduce by 50%.

**PETITION TO PARLIAMENT UNDER ARTICLES 26(1),28 AND 35 OF CONSTITUTION OF KENYA 2010 AND THE TRAFFIC ACT 2012 WITH REGARDS KENYA TRAFFIC ROAD ACCIDENTS**

4. That under Infrastructure and operations item,

our prayer is for the following to be effected:

- a) Establishment of permanent county traffic check posts complete with speed checkers & surveillance cameras along the highways and main roads after every 50 kms. This will enable focused and constant maintenance of law and order and eliminate corruption associated with temporary road blocks. The cameras will nip corruption. We propose this to be added to traffic act 2012 part vi -69A(1,2) or the relevant section of the traffic act 2012 as you may deem appropriate.
  - b) Have permanent patrols along the highways and main roads by a mobile traffic officer vehicle equipped with the necessary first aids and life saving equipment's within the 50 kms intervals. This will be a rapid response initiative. We propose this to be added to traffic act 2012 part vi or the relevant section of the traffic act 2012 as you may deem appropriate.
  - c) The area traffic commanders will be compelled to do at least 1 impromptu patrol along those Highways and main roads daily to ensure that the traffic rules and regulations are not compromised whatsoever. He/she will make daily documented status reports and updates on the state of roads in their specific allocated area. Such report to include status of the road, vehicles compliance with the rules indicating number of vehicles found roadworthy or not roadworthy, the traffic check post where the law and order was not properly enforced. We propose this to be added to traffic act 2012 part xiii or the relevant section of the traffic act 2012 as you may deem appropriate.
- All senior relevant officials to be directly involved in enforcing traffic rules and regulations. This means the governor, his officers, relevant CS and IG as well as senior traffic officials will personally carry out impromptu checks without the protocols (read Michuki and Matiang'i style)
- d) The county traffic marshals, police department to be autonomous units with own posts. This will enable more energies and resources to be channelled towards the units.
  - e) Embedded traffic officer inside the long distance PSV vehicles preferably at the front seat. They could hand over after every 200 km. This will ensure compliance with traffic rules and regulations for the PSV vehicles.

e) Eliminate Black Spots:

This will be by electing reasonable round speed bumps in areas considered black spot. De-tour the black spots. Ensure that at the black spots prominent illuminating traffic warning signs are put up in place within a kilometre. Reconstruct such stretches, enhance patrols in the area considered such.

By the above measures we should do away with the stretches called BLACK SPOTS within our roads because they denote helplessness and despair. We propose this to be added to traffic act 2012 part xii or the relevant section of the traffic act 2012 as you may deem appropriate.

PETITION TO PARLIAMENT UNDER ARTICLES 26(1), 28 AND 35 OF CONSTITUTION OF KENYA 2010 AND THE TRAFFIC ACT 2012 WITH REGARDS KENYA TRAFFIC ROAD ACCIDENTS

5. That under Vehicle maintenance, compliance and incentives item,

Our prayer is for the following to be effected:

a). PSV'S vehicles especially long distance ones to have scheduled travel containing trip time table which must be presented to the traffic officers on demand. This is one measure of controlling overspeeding. We propose this to be added to part VI to the traffic act 2012 or the relevant section of the traffic act 2012 as you may deem appropriate.

b) National standardized vehicle maintenance and service record form from approved and registered garages that the driver must present to the traffic officer on demand. We propose this to be added to part v of the traffic act 2012 or the relevant section of the traffic act 2012 as you may deem appropriate.

c) Digitalised driver's identification card with a photo indicating that he/she is authorised and registered (by relevant authorities) to drive that PSV vehicle. The card will be prominently and safely displaced on wind screen of the vehicle. We propose this to be added to part vi of the traffic act or the relevant section of the traffic act 2012 as you may deem appropriate.

d) Driver's Clean bill of health certificate renewable six months or as you may deem appropriate, confirming that the driver is medically fit and free of prohibited drugs and alcohol addiction which the driver must present to the traffic officer on demand. NTSA to establish a free medical examination centres which will internally and confidentially forward results for consideration before being issued with the Driver's Clean bill of health certificate. This will ensure minimum corruption. We propose this to be added to part vi of the traffic act or the relevant section of the traffic act 2012 as you may deem appropriate.

e) PSV driving licence to be strictly annually renewable subject to number of traffic offences convictions as will be prescribed by the relevant act. We propose this to be added to part iv(30) of the traffic act 2012 or the relevant section of the traffic act 2012 as you may deem appropriate

f) Compel PSV vehicles to install operational 2 camera audio DVR CCTV showing clear front view and inside view which may be evaluated in case of an accident. We propose this to be added to part v 55(1) of traffic act 2012 or the relevant section of the traffic act 2012 as you may deem appropriate.

g) Establish a county and national annual incentive awards scheme for the best PSV Sacco's covering various categories including least accidents, best maintained vehicles, best training and qualified drivers, least traffic offences. We propose this to be added to the traffic act 2012 as a new part or the relevant section of the traffic act 2012 as you may deem appropriate

h) PSV vehicles to be compelled to display legible first aid posters. We propose this to be added to the traffic act 2012 or the relevant section of the traffic act 2012 as you may deem appropriate

i) PSV vehicles to be fitted with the airbags depending on the size as well as impact bars.

We propose this to be added to part v55(1) of the traffic act 2012 or the relevant section of the traffic act 2012 as you may deem appropriate

**PETITION TO PARLIAMENT UNDER ARTICLES 26(1),28 AND 35 OF CONSTITUTION OF KENYA 2010 AND THE TRAFFIC ACT 2012 WITH REGARDS KENYA TRAFFIC ROAD ACCIDENTS**

6. That under the Establishment of county road safety boards and public information item ,

a) there be Established a county road safety board in each county. Public road transport in a county is the responsibility of the Governor as the CEO (Kenya constitution fourth schedule part 2 ,5(a,c,d).

The board will have monthly meetings and will be shared by the Governor and members will include county traffic commandant, representative from each of the PSV sacco, county government transport & infrastructure ministry , top county and sub county traffic chiefs. We propose this to be Added to the traffic act 2012 or the relevant section of the traffic act 2012 as you may deem appropriate

b) The Governor in each county to be compelled to give public monthly state of roads address including the no. of accidents, fatalities, no. of unroadworthy/non compliant and roadworthy/compliant vehicles, state of the roads and the measures taken to address the challenges. This will ensure they take responsibility . We propose this to be added to traffic act 2012 or the relevant section of the traffic act 2012 as you may deem appropriate

c) Establish a toll free rapid response radio call number. The call number will be prominently displayed in the vehicle. We propose this to be added to the relevant section of the traffic act 2012 as you may deem appropriate

7. That under the Public education and social responsibility item,

Introduce in the education curriculum the compulsory subject on Safety, Health, Nutrition and Environment (SHEN). This will inculcate sense of responsibility from the early stage of life .

All PSV sacco to annually teach and enlighten their drivers and conductors on the traffic act. The drivers to confirm attendance of such lessons in a standard prescribed form bearing the name and relevant PSV vehicle. Saccos will be compelled to avail a copy of traffic act to each driver. This will constantly remind them of the consequences of flouting the traffic act and will be an important deterrent. We propose this to be added to the relevant section of the traffic act 2012 as you may deem appropriate .

8. That under the Judicial expediency item,

This is one of the most critical part in the campaign against traffic road accidents. We propose that court cases be finalised within 6 months . This way justice will not be delayed or derailed and traffic offenders will have extra caution when flouting the rules and regulations. We propose this to be added to the relevant section of the traffic act 2012 as you may deem appropriate .

**PETITION TO PARLIAMENT UNDER ARTICLES 26(1), 28 AND 35 OF CONSTITUTION OF KENYA 2010 AND THE TRAFFIC ACT 2012 WITH REGARDS KENYA TRAFFIC ROAD ACCIDENTS**

That

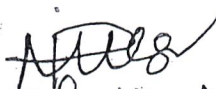

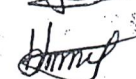
9. We confirm to the best of our knowledgethat the issues in respect of which the petition is made are not pending befor any court of law or constitutional or legal body.

**THEREFORE your humble petitioners PRAY that Parliament of the Republic of Kenya:**

10. Initiate a motion to add to the traffic act 2012 or the relevant section of the traffic act 2012 as you may deem appropriate our various items above on :

- i. infrastructure and operations
- ii. vehide maintainance, compliance and incentives
- iii. establishment of county roads safety boards and public information.
- iv. public education and social responsibility
- v. judicial expediency

And your PETITIONERS will ever pray.

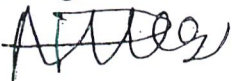
Name of petitioner	full ddress	national ID	Signature
Peter Mugo Mukua	P.O.BOX 14886-00100 NAIROBI	9199948	 072003520
Daniel Macharia Mukua	P.O.BOX 1031-02300 NYAHURURU	22535422	 072096950
John Kefa Korir	P.O.BOX 10-20200 KERICHO	25947049	 072559270

PETITION concerning additions to the traffic act 2012 or the relevant section of the traffic act 2012 as you may deem appropriate our various items on:

- i. infrastructureand operations
- ii. vehide maintainance, compliance and incentives
- iii. establishment of county roads safety boards and public information.
- iv. public education and social responsibility
- v. judicial expediency

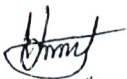
**Name of Petitioners:**

Peter Mugo Mukua

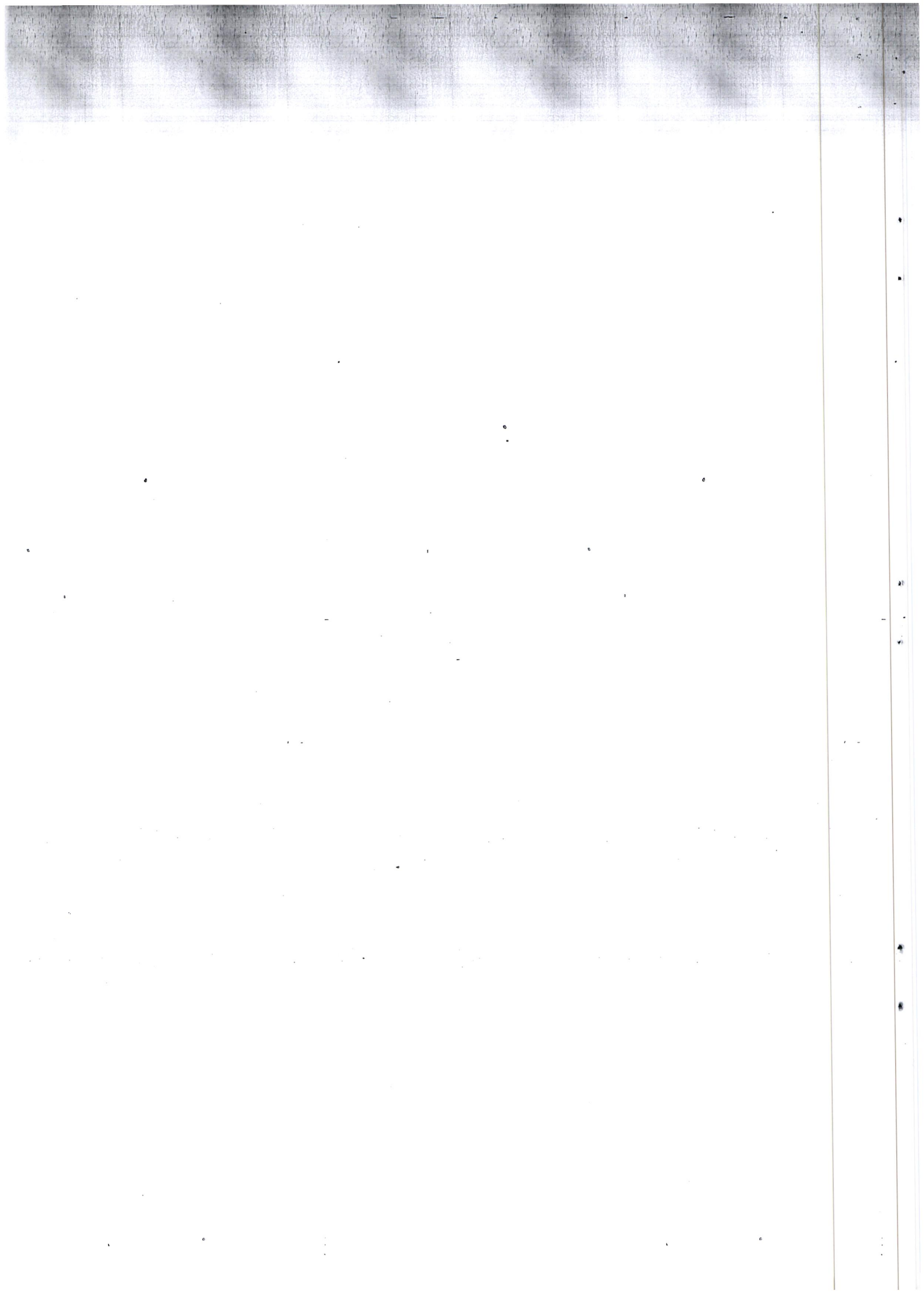


Daniel Macharia Mukua

John Kefa Korir



Dated 20<sup>th</sup> February 2018





**NATIONAL TRANSPORT AND SAFETY AUTHORITY**

**NTSA SUBMISSION ON THE PETITION TO PARLIAMENT  
UNDER ARTICLES 261), 28 AND 35 OF THE CONSITUTION OF  
KENYA AND THE TRAFFIC ACT WITH REGARD TO  
TRAFFIC ROAD ACCIDENTS.**



## 1. INFRASTRUCTURE AND OPERATIONS.

The proposals contained in paragraphs numbered a – e relate to enforcement which is a preserve of the National Police Service and therefore best placed to respond to the proposals.

## 2. VEHICLE MAINTAINANCE, COMPLIANCE AND INCENTIVE ITEMS.

### a. Trip timetable to control over-speeding.

Currently the following legislative provisions are in place to control over speeding in long distance PSVs”-

1. Fleet management systems. **Regulation 11 of the National Transport and Safety Authority (Operations of Public Service Vehicles) 2014** (hereinafter referred to as the PSV Regulations) contained in Legal Notice 23 of 2014 requires that:-

*Every operator of a long distance passenger service vehicle shall—*

- (a) have in place or outsource a fleet management system" capable of recording speed and location of the vehicle at any one time;*
- (b) subscribe to a data storage system capable of storing data on vehicle speed, location and operation for a period of thirty days and when required by the Authority provide the data to the Authority before the expiry of the prescribed storage period;*

2. Speed limiters. **Section 41A** of the Traffic Rules contained in The Traffic Act provide that:-

*41A. (1) The engine of -*

- (a) every public service vehicle, except taxi cabs;*
- (b) every commercial vehicle whose tare weight exceeds 3048kg shall be fitted with a speed governor which -*
  - (i) conforms to such specifications as the Minister may by notice in the Gazette prescribe;*
  - (ii) is adjusted so that all times, and in any load condition, the vehicle cannot exceed the speed of 80 kph.*

Further **Section 119** of the Traffic Act empowers the Cabinet Secretary to prescribe other devices for speed management. The specific provisions provide:-

*119. (1) The Minister may make rules prescribing -*



*(da) devices to be fitted to any class or type of vehicle for restricting their speed to a specified speed (and different devices and different speeds may be prescribed for different classes or types of vehicles);*

*(db) tachographs or other instruments for recording their speed and other details of their operation to be fitted to any class or type of vehicle;*

It is important to note that the need to introduce these gadgets was informed by the need to regulate the speed of vehicles with a focus more on mechanical or technology as opposed to human intervention which mostly results in increased opportunities for corruption.

The idea of a timetable is prone to severe manipulation and provides more opportunities for corruption. For this reasons it is our opinion that it would not be effective.

However should the Committee deem it necessary to include this timetable in legislation, it would be more appropriate and desirable given its operational nature to include it in the PSV Regulations as opposed to the Traffic Act.

## **b. NATIONAL STANDARDIZED VEHICLE MAINTENANCE AND SERVICE FORMS.**

The purpose of this proposal is to ensure that PSVs are in good mechanical condition.

To this end the Traffic Act provides for a mandatory annual motor vehicle inspection of all public and commercial service vehicles where the mechanical condition of the vehicles is assessed and certified.

In addition **Regulation 5** of the PSV Regulations require that a PSV operator have in place a qualified mechanic. Specifically the section provides that:-

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*5. (1) A person desirous of operating public service vehicles shall be a member of a body corporate which shall have:-*

*(v) a qualified mechanic or a contract under which the services of a mechanic are outsourced;*

The purpose of this regulation is to ensure that the person engaged in the service or maintenance of the vehicle has the requisite qualifications.

**Regulation 7 (h) and (i)** contains a dual obligation that an operator inspect the vehicle on a weekly basis or before the commencement of a journey the inspection



of the vehicle by a qualified mechanic and the keeping of a record of the mechanical defects identified and rectified for a minimum period of 6 months.

The section specifically provides as follows:-

*7. Every operator of licensed public service vehicles shall –*

*(h) on a weekly basis and, in the case of a long distance passenger service, before the commencement of each journey, have the vehicle inspected by a qualified mechanic for defects according to a check list which shall cover at a minimum tyres, lights, safety belts, brake pads, wipers, and warning horn; and*

*(i) keep a record of the defects identified during the defects inspection for a minimum period of six months and of the actions taken to rectify the defects,*

These records are open to the authority or police for inspection at any time.

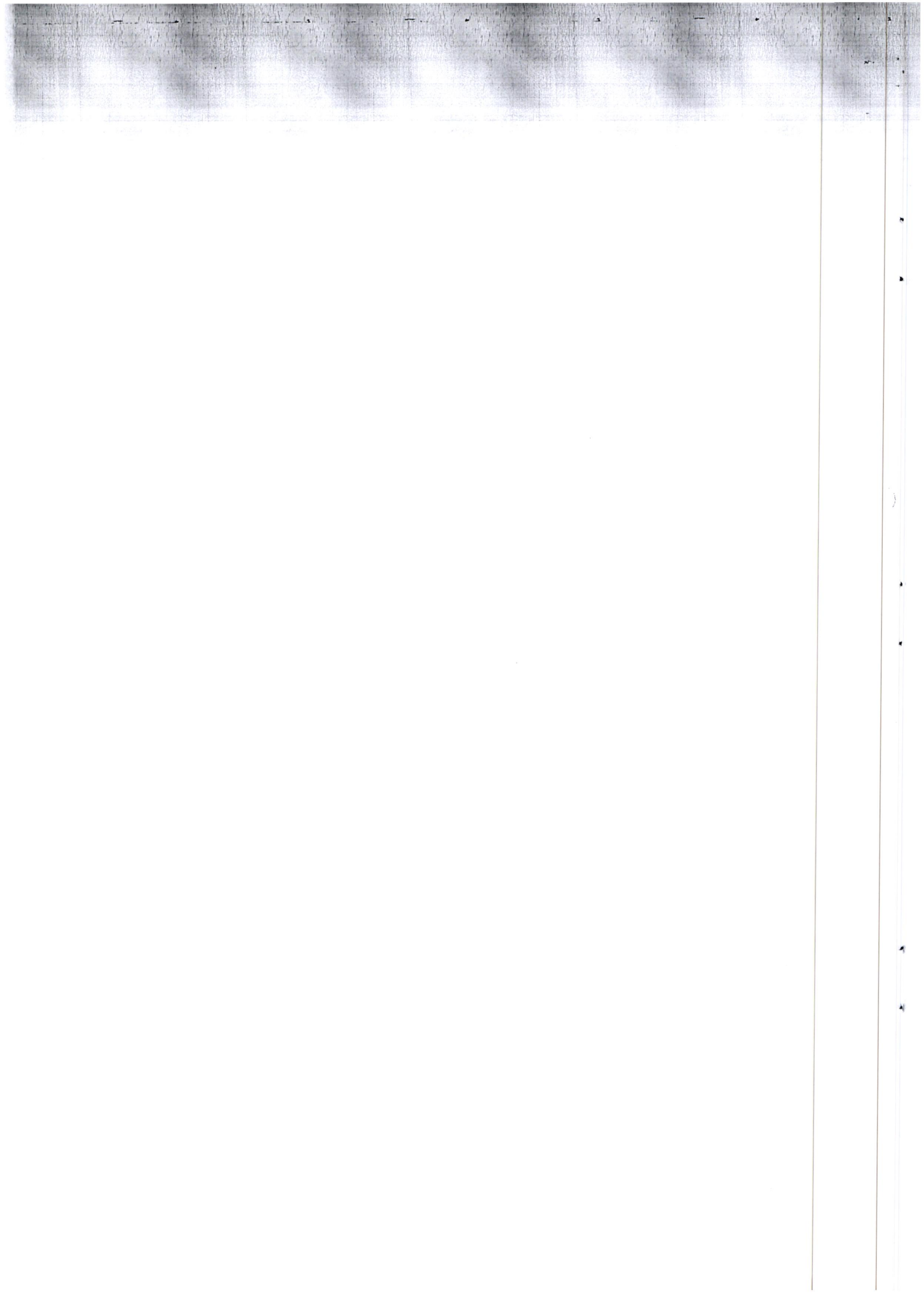
The purpose of this regulation is to ensure that there is a record on the condition of the vehicle.

Though the above provisions adequately address the issue of vehicle maintenance the Authority proposes to incorporate the petitioners' proposal for the requirement for PSVs to keep a prescribed form or record on the maintenance of the vehicle.

However it is our proposal that:-

- This proposal due to its operational nature be contained in the PSV Regulations as opposed to the Traffic Act.
- This form or record form part of the documents that a transport operator should keep in their office as opposed to being carried in the vehicle.
- This form or record be open for inspection at the office by a police officer or NTSA officer upon demand.

On the issue of registering the garages, we note that it is practically impossible to register all garages in Kenya considering that most are found in the informal sector. We propose in the alternative that the Committee direct KEBS in conjunction with NTSA and other stakeholders to develop standards for the garages. This standard can then require that all PSVs and CVSs be serviced at a KEBS certified garage.



**c. Digitized driving license.**

A digitalized driving license has been developed by NTSA and is currently in the process of being rolled out.

**d. Drivers clean bill of health.**

**Section 105 A** of the Traffic Act address the issue of the health of a PSV driver by providing that:-

*105A. (1) A driver of a public service vehicle or a commercial vehicle shall, after every three years from the date of issue of a driving license pursuant to section 30, or renewal of such license, whichever is the case, undergo a physical fitness test, including an eye and hearing test by a qualified medical practitioner.*

*(2) A driving license shall not be renewed under this Act unless the person seeking the renewal produces to a licensing officer a report prepared by the medical practitioner certifying the condition of the applicant's physical fitness, including the condition of the person's eye sight and hearing ability, and whether or not that condition or ability makes the applicant fit to drive a motor vehicle.*

In the newly enacted **Driving School, Driving Instructor and Driving Licenses Rules 2018** contained in **Legal Notice No 81 of 2018** and the new curriculum for the testing and training of drivers contains comprehensive and detailed provisions and requirements on the health of drivers.

NTSA is therefore of the opinion that the matter in terms of legislative provisions is adequately addressed and undertakes to focus on the implementation of the said provisions.

In regard to the establishment of free medical examination centers, it is important to point out that this is beyond the mandate of the Authority and therefore ultra vires the NTSA Act. Further this can be considered a duplication of scarce government resources as the same services can readily be provided at public hospitals.

It is therefore our position that as regards the proposal concerning the health of a PSV driver, the same is adequately addressed and does not warrant amendment.

**e. Driving license of PSV to be renewed annually depending of traffic offences.**

The Traffic Act in section **117A** provides for the assignment of demerit points for all drivers whereby the driving license shall be suspended or revoked upon the attainment of a certain number of points.



With the introduction of the new digital driving license, the Authority is now in a position to actualize this system as proposed by the petitioners.

**f. Compel PSVs to install cameras.**

This is an idea that the Authority considered introducing. However the cost of installing such camera would be prohibitive for the operators who would in turn pass the cost to the public leading to higher costs of transportation. Further on a cost benefit analysis the costs outweigh the benefits.

**g. Establish a national incentive awards scheme.**

The Authority in conjunction with various stakeholders have launched an awards scheme where the best transport operator is feted. The Authority will strive to ensure that the same is an annual event.

It is therefore out submission that the inclusion of the above in law is unnecessary.

**h. Eligible first aid posters.**

It is important to note that the Traffic Act in the Traffic Rules makes it mandatory for every PSV and Commercial Vehicle to have a first aid kit.

In addition to this, the PSV Regulations in **Regulation 10** require the subscription to an emergency aid system eg red cross or St John's Ambulance who would ensure provision of medical assistance in the event of an accident. The Section specifically provides as follows:-

- (2) A person applying for a long distance night passenger service licence shall —
- (g) ensure or subscribes to an accident and emergency mutual aid system.

The new curriculum developed by NTSA also incorporates as part of the syllabus a mandatory comprehensive course on first aid. It is also important to note that during its sensitization road safety campaigns the issue of first aid is included.

A more effective way of disseminating first aid knowledge and skills is including it in the education curriculum as proposed by the petitioners under the item numbered 7 in their petition.

However should the Committee feel its inclusion necessary the same due to its operational nature should be included in the PSV Regulations and not the Traffic Act.



**i. Fitted with airbags and side bars.**

The fitting of airbags in PSVs though ideal is not practical. There is nowhere in the world where this is done and if it was possible the costs would be prohibitive.

To enhance safety of the vehicle itself the Authority in conjunction with KEBS developed **Kenya Standard 372 Passenger Vehicle Body Construction** in 2017. This standard provide for the minimum structural requirements in the building of the body of PSV Vehicles thus improving the structural integrity of the vehicles.

**3. ESTABLISHMENT OF COUNTY ROAD SAFETY BOARDS AND PUBLIC INFORMATION.**

(a) Establishment of county road safety boards and public information item. The proposed county road safety boards are already contained in the NTSA Act in section 21 and are referred to as County Transport and Safety Committees. These committees have diverse representation are stipulated in section as follows:-

21.(1) The Authority may establish in each county, a committee to be known as the county transport and safety committee.

(2) A county transport and safety committee established under subsection (1) shall consist of-

(a) the officer in charge of traffic in the county who shall be the secretary to the committee;

(b) two persons responsible for overseeing the registration and licensing of vehicles within the county nominated by the Board.

(c) one person nominated by the Association of Public Transport Operators to represent the Association;

(d) one person with knowledge and experience in matters relating to transport within the county nominated by the county governor; and

(e) two persons nominated by the county governor on the recommendations of the Authority to represent such special interests within the county as the Authority shall determine

The functions of these committees contained in section 22 are inter alia:-



- (a) oversee the management and regulation of the road transport system by the Authority at the county level;
- (b) prepare and submit to the Authority such audit reports as the Authority may require on the safety, reliability and efficiency of the road transport system within the county;
- (c) advise the Authority on matters affecting the road transport system within the county; and
- (d) perform such other functions as may be assigned to it by the Authority.

The proposal for the establishment of these road safety boards is therefore already provided for under the NTSA Act.

It is also important to note that the Authority publishes an annual report of all road fatalities. This report contains a classification by counties and by roads and we believe that this adequately addresses the proposals of a monthly state of the road address.

In regard to the establishment of a toll free rapid radio call number, the Authority is already in the process of establishing this number. Further this being an operational issue, it is covered in legislation under the function of road safety.

#### **7. PUBLIC EDUCATION AND SOCIAL RESPONSIBILITY ITEM.**

The Authority supports the introduction into the education curriculum the issue of road safety. However this is a matter is better suited to be addressed by the Ministry of Education and not through an amendment of the Traffic Act.

It is worthwhile to note that NTSA holds sensitization workshops and programs with sacco officials, drivers and conductors. This is adequately covered under the function of promotion of road safety awareness and therefore no need for any legislative intervention.

#### **8. JUDICIAL EXPENDIENCY ITEM.**

We concur with the petitioners that efficiency in administration of justice is a key element in the quest to a better regulated road transport system.



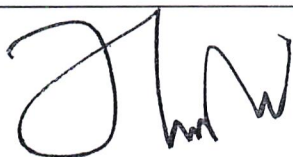
In recognition of this fact NTSA enacted the Traffic Minor Offences Rules otherwise known as the instant fines rules. Under these rules minor offences had been ascribed to fixed penalties (not exceeding twenty thousand shillings) which would be paid instantly through electronic means. The rules also catered for bail payments which were to be equivalent to the corresponding fine.

In addition to the increased efficiency in terms of time for the offenders, police and judiciary, the above system had the following advantages:-

- Reduction in corruption.
- Increased transparency in fine collection as the procedures lend themselves to automation and computerization
- The offender avoids the social stigma and legal disabilities which attach to prosecution and conviction in court
- The offender's right to have the charge determined by a court and to plead in mitigation of penalty is retained
- Enhanced enforcement due to the ease and short time it takes to issue an infringement notice compared to taking a prosecution to court

Unfortunately the same was challenged in court and an injunction halting its implementation granted on **13<sup>th</sup> October 2016**. Almost 3 years later the matter despite having high public interest is yet to be substantively heard despite the vigorous efforts of NTSA.

We agree with the petitioners' position that judicial expediency is key to the reduction of road fatalities. However this cannot legally be addressed by an amendment of the Traffic Act but by an amendment of the statutory instruments that govern the operations of the judiciary.



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**FRANCIS MEJA**  
**DIRECTOR GENERAL**



## MAJOR CAUSES OF ROAD ACCIDENTS AND OUR PROPOSED (TRAFFIC ACT 2012 AMENDMENTS) SOLUTIONS

NO	CAUSES OF ROAD ACCIDENTS	OUR PROPOSED (TRAFFIC ACT AMENDMENTS) SOLUTIONS
1	Over speeding	<ul style="list-style-type: none"> <li>⊣ Embedded traffic officer(E.T.O)</li> <li>⊣ Scheduled travel containing trip time table which must be presented to the traffic officer/s on demand.</li> </ul>
2	Overloading	<ul style="list-style-type: none"> <li>⊣ Embedded traffic officer(E.T.O)</li> <li>⊣ County and national annual incentive awards scheme for the PSV Saccos.</li> </ul>
3	Ignorance on the part of the travelers in regards to basic traffic rules e.g. fastening of safety belts.	<ul style="list-style-type: none"> <li>⊣ Embedded traffic officer(E.T.O)</li> <li>⊣ Public education and social responsibility</li> <li>⊣ Permanent county traffic check posts</li> </ul>
4	Drunk driving and other intoxicants	<ul style="list-style-type: none"> <li>⊣ Permanent county traffic check posts</li> <li>⊣ Embedded traffic officer(E.T.O)</li> <li>⊣ Drivers clean bill of health certificate</li> <li>⊣ Permanent patrols along the highways and main roads</li> </ul>
5	Careless driving	<ul style="list-style-type: none"> <li>⊣ Permanent patrols along the highways and main roads</li> <li>⊣ Embedded traffic officer(E.T.O)</li> <li>⊣ Driving license renewal annually subject to the number of traffic offences committed.</li> <li>⊣ Public education and social responsibility</li> <li>⊣ Judicial expediency</li> </ul>
6	Poor road infrastructures	<ul style="list-style-type: none"> <li>⊣ County road safety boards</li> </ul>
7	Sleeping on the wheel and fatigue	<ul style="list-style-type: none"> <li>⊣ Embedded traffic officer(E.T.O)</li> <li>⊣ Permanent county traffic check posts</li> <li>⊣ Permanent patrols along the highways and main roads</li> <li>⊣ County and national annual incentive awards scheme for the PSV Saccos.</li> </ul>
		<ul style="list-style-type: none"> <li>⊣ Scheduled travel containing trip time table which must be presented to the traffic officer/s on demand.</li> </ul>
8	Poor management of drivers	<ul style="list-style-type: none"> <li>⊣ County road safety boards</li> </ul>
9	Lack of adequate education for road users including pedestrians	<ul style="list-style-type: none"> <li>⊣ Public education and social responsibility</li> </ul>

10	Corruption with policing agents	<ul style="list-style-type: none"> <li>• nced permanent traffic check post</li> <li>• lete with CCTVs</li> <li>• le maintainance,compliance and</li> <li>• tives</li> <li>• anent patrols along the highways and roads</li> <li>• dded traffic officer(E.T.O)</li> <li>• Carrying of the traffic Act in the PSV for drivers.</li> </ul>
11	Poor vehicle management and poorly maintained vehicles	<ul style="list-style-type: none"> <li>• Vehicle maintainance,compliance and incentives</li> <li>• County road safety boards</li> <li>• Standardized vehicle maintenance form</li> </ul>
12	Inexperienced drivers	<ul style="list-style-type: none"> <li>• Public education and social responsibility</li> <li>• Driving license renewal annually subject to the number of traffic offences committed.</li> <li>• Digitalized driver's identification cards.</li> <li>• Embedded traffic officer(E.T.O)</li> </ul>
13	Road rage	<ul style="list-style-type: none"> <li>• Embedded traffic officer(E.T.O)</li> <li>• Public education and social responsibility</li> <li>• County road safety boards</li> <li>• Carrying of the traffic Act in the PSV for drivers.</li> <li>• Judicial expediency</li> </ul>
14	Distracted driving	<ul style="list-style-type: none"> <li>• Embedded traffic officer(E.T.O)</li> <li>• Public education and social responsibility</li> <li>• Judicial expediency</li> <li>• Carrying of the traffic Act in the PSV for drivers.</li> </ul>
15	Rain	<ul style="list-style-type: none"> <li>• County road safety boards</li> <li>• Public education and social responsibility</li> <li>• Embedded traffic officer(E.T.O)</li> <li>• Drivers clean bill of health certificate</li> </ul>
16	Unroadworthy vehicles	<ul style="list-style-type: none"> <li>• Embedded traffic officer(E.T.O)</li> <li>• County road safety boards</li> <li>• Vehicle maintenance records</li> </ul>
17	Lack of road signs	<ul style="list-style-type: none"> <li>• County road safety boards</li> </ul>
18	Lack of adequate plans by the government to reduce road casualties	<ul style="list-style-type: none"> <li>• County road safety boards</li> <li>• Impromptu patrols by senior traffic officers and government officers.</li> </ul>
19	Lack of implementation of strict traffic laws	<ul style="list-style-type: none"> <li>• County road safety boards</li> <li>• Judicial expediency</li> </ul>
20	Night driving	<ul style="list-style-type: none"> <li>• Embedded traffic officer(E.T.O)</li> <li>• County road safety boards</li> <li>• Public education and social responsibility</li> </ul>

## FOURTH SCHEDULE

(Article 185(2), 186(1) and 187(2))

### DISTRIBUTION OF FUNCTIONS BETWEEN THE NATIONAL GOVERNMENT AND THE COUNTY GOVERNMENTS

#### Part 1 – National Government

1. Foreign affairs, foreign policy and international trade.
2. The use of international waters and water resources.
3. Immigration and citizenship.
4. The relationship between religion and state.
5. Language policy and the promotion of official and local languages.
6. National defence and the use of the national defence services.
7. Police services, including—
  - (a) the setting of standards of recruitment, training of police and use of police services;
  - (b) criminal law; and
  - (c) correctional services.
8. Courts.
9. National economic policy and planning.
10. Monetary policy, currency, banking (including central banking), the incorporation and regulation of banking, insurance and financial corporations.
11. National statistics and data on population, the economy and society generally.
12. Intellectual property rights.
13. Labour standards.
14. Consumer protection, including standards for social security and professional pension plans.
15. Education policy, standards, curricula, examinations and the granting of university charters.
16. Universities, tertiary educational institutions and other institutions of research and higher learning and primary schools, special education, secondary schools and special education institutions.
17. Promotion of sports and sports education.
18. Transport and communications, including, in particular—
  - (a) road traffic;
  - (b) the construction and operation of national trunk roads;

- (c) standards for the construction and maintenance of other roads by counties;
  - (d) railways;
  - (e) pipelines;
  - (f) marine navigation;
  - (g) civil aviation;
  - (h) space travel;
  - (i) postal services;
  - (j) telecommunications; and
  - (k) radio and television broadcasting.
19. National public works.
  20. Housing policy.
  21. General principles of land planning and the co-ordination of planning by the counties.
  22. Protection of the environment and natural resources with a view to establishing a durable and sustainable system of development, including, in particular—
    - (a) fishing, hunting and gathering;
    - (b) protection of animals and wildlife;
    - (c) water protection, securing sufficient residual water, hydraulic engineering and the safety of dams; and
    - (d) energy policy.
  23. National referral health facilities.
  24. Disaster management.
  25. Ancient and historical monuments of national importance.
  26. National elections.
  28. Health policy.
  29. Agricultural policy.
  30. Veterinary policy.
  31. Energy policy including electricity and gas reticulation and energy regulation.
  32. Capacity building and technical assistance to the counties.
  33. Public investment.
  34. National betting, casinos and other forms of gambling.
  35. Tourism policy and development.

## Part 2—County Governments

The functions and powers of the county are—

1. Agriculture, including—
  - (a) crop and animal husbandry;
  - (b) livestock sale yards;
  - (c) county abattoirs;
  - (d) plant and animal disease control; and

- (e) fisheries.
- 2. County health services, including, in particular—
  - (a) county health facilities and pharmacies;
  - (b) ambulance services;
  - (c) promotion of primary health care;
  - (d) licensing and control of undertakings that sell food to the public;
  - (e) veterinary services (excluding regulation of the profession);
  - (f) cemeteries, funeral parlours and crematoria; and
  - (g) refuse removal, refuse dumps and solid waste disposal.
- 3. Control of air pollution, noise pollution, other public nuisances and outdoor advertising.
- 4. Cultural activities, public entertainment and public amenities, including—
  - (a) betting, casinos and other forms of gambling;
  - (b) racing;
  - (c) liquor licensing;
  - (d) cinemas;
  - (e) video shows and hiring;
  - (f) libraries;
  - (g) museums;
  - (h) sports and cultural activities and facilities; and
  - (i) county parks, beaches and recreation facilities.
- 5. County transport, including—
  - (a) county roads;
  - (b) street lighting;
  - (c) traffic and parking;
  - (d) public road transport; and
  - (e) ferries and harbours, excluding the regulation of international and national shipping and matters related thereto.
- 6. Animal control and welfare, including—
  - (a) licensing of dogs; and
  - (b) facilities for the accommodation, care and burial of animals.
- 7. Trade development and regulation, including—
  - (a) markets;
  - (b) trade licences (excluding regulation of professions);
  - (c) fair trading practices;
  - (d) local tourism; and
  - (e) cooperative societies.
- 8. County planning and development, including—
  - (a) statistics;

- (b) land survey and mapping;
  - (c) boundaries and fencing;
  - (d) housing; and
  - (e) electricity and gas reticulation and energy regulation.
9. Pre-primary education, village polytechnics, homecraft centres and childcare facilities.
  10. Implementation of specific national government policies on natural resources and environmental conservation, including—
    - (a) soil and water conservation; and
    - (b) forestry.
  11. County public works and services, including—
    - (a) storm water management systems in built-up areas; and
    - (b) water and sanitation services.
  12. Fire fighting services and disaster management.
  13. Control of drugs and pornography.
  14. Ensuring and coordinating the participation of communities and locations in governance at the local level and assisting communities and locations to develop the administrative capacity for the effective exercise of the functions and powers and participation in governance at the local level.

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## Road Users' Perception of National Transport and Safety Authority Road Accident Reduction Strategies in Kenya

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### Abstract

*Most fatalities and disabilities across the world have been attributed to road traffic accidents. The total number of road traffic deaths in 2015 was 1.3 million ranked tenth cause of deaths in the world after heart diseases, cancer, respiratory diseases, diabetes among others. Studies show that causes of road traffic accidents are attributed to a poor driving culture, driving under influence of alcohol, overloading in public service vehicles, natural occurrences, poor road conditions and inadequate enforcement of existing traffic laws. This study sought to examine the road users' perception on National Transport and Safety Authority road accident reduction strategies in Kenya. The study applied a cross-sectional survey design. The sample size of the study included 110 stakeholders from the transport sector. Stratified and random sampling procedure were used to select the sample from various categories of stakeholders. The study employed questionnaire method to collect data from the respondents. To ensure that the data collection instrument was valid, content validity was used. Split-half method was used to estimate reliability of the questionnaire where a Pearson's Product Moment Correlation Coefficient value of 0.85 was obtained, meeting the reasonable threshold of 0.7. Thus, the instruments were considered reliable. Data from questionnaires were coded and processed with the help a statistical application, namely SPSS, Ver. 21. The results were reported in frequencies and percentages. The study revealed that NTSA had put in place a number of road safety strategies including use of Breathalyzers, speed gun and SACCOs. However, the road users' perception on NTSA's road accident reduction strategies remained varied owing to lack of sound road safety implementation mechanisms and a general negative attitude and beliefs among passengers and motorists. Thus, there is a need for various stakeholders in transport industry to conduct ongoing road safety campaigns to change road users' perception about various strategies that NTSA uses.*

**Keywords:** National Transport and Safety Authority (NTSA), Road Traffic Accidents (RTAs), road transport, Kenya road accidents, passengers and motorists, road traffic act, Breathalyzers, speed gun, Kenya Matatu Industry, Transport Industry SACCOs.

## 1. Introduction

Even though Kenya has a traffic Act that offers the legislative framework that focuses at desired driving standards to ensure there is safety on Kenyan roads (Laws of Kenya 403-6), over 3,000 deaths from road accidents occur annually of which about 40% are pedestrians and 22% are passengers. This accounts to the economic cost of 5.6% of the GDP that translates to 300 billion Kenya shillings every year (NTSA, 2016). A greater percentage of these people who die are at the economic productive age, between 15 and 44 years. The Global status report on road safety 2015, reflecting information from 180 countries, indicates that worldwide, the total number of road traffic deaths has plateaued at 1.25 million per year, with the highest road traffic fatality rates of more than 90% occurring in developing countries (WHO, 2016).

In 2010, the European Union (EU) reestablished its dedication to improve road safety by setting an objective of diminishing road deaths by half by 2020, contrasted with 2010 levels. This objective took after a before target set in 2001 to halve road deaths by 2010. Of the 32 countries covered 21 had an increase in the number of fatalities in 2015, 10 had a decrease, and 1 remained unchanged (Dovile, Graziella, Henk & Heather, 2016). The original EU report includes the UK as having an increase in fatalities, but this was based on provisional figures for the year ending September 2015. Overall, the total number of road deaths in the 28 members of the European Union during 2015 was around 26,300 (Department for Transport, 2016). This marked the first increase in the annual total fatalities since the PIN Programme started in 2001. There were 27.4 per million people in Great Britain in 2015, a little change from 27.9 in 2014. The United Kingdom as a whole had 27.7 deaths per million inhabitants in 2015. The only European countries with a better rate than this in 2015 were Sweden, with 26.6, Malta, with 25.6, and Norway, with 23.1. Both Malta and Norway have very low numbers of deaths each year (with 11 in Malta and 117 in Norway in 2015) so these rates are likely to vary significantly between years. The UK and Sweden have been reliably at the head of this table for various years. On the other hand, in 2012 the death rate in the United States (108 per million) as a result of road accidents was around 4 times higher than that in the UK (28 per million) (Mathew & Tom, 2013).

Western, Central and Eastern sub-Saharan Africa has the highest road injury death rates of any global region (Kavi, James, saeid, Jerry & David, 2014). The death rate in Western sub-Saharan Africa is more than four times the rate in Western Europe. Road injuries are the eighth (8th) leading cause for death in sub-Saharan Africa and the tenth major cause of sound life years lost. The public health burden of road injuries exceeds that from tuberculosis and maternal disorders. Pedestrians comprise 44% of road deaths in sub-Saharan Africa, substantially more than the global average of 35% (Pon-Hsiu, Mohsen, Rafael, Theo, Phillips, Chou & Bollinger, 2014). The rate of pedestrian deaths in Western sub-Saharan Africa is 8 times the rate in Western Europe. Nigeria has the most noteworthy road injury death (52.4 for each 100,000 individuals) of any nation all around. Mozambique has the third highest death rate (46.7 per 100,000) (Diego, Brittany & Christopher, 2014). These rates are more than 15 times the demise rates in Sweden, UK, and the Netherlands, which have among the least traffic road death rates internationally.

Four countries; Nigeria, Ethiopia, South Africa, and Sudan together account for half the road injury death toll of sub-Saharan Africa (Kavi, James, saeid, Jerry & David, 2014).

Over the last fifty years Kenya has been suffering deaths from the road accidents and many of her citizens have suffered great injuries leading to a serious negative economic implication. It is yet not clear whether the traffic institutions and the National Transport and Safety Authority (NTSA) strategies are effective in reducing road accidents in Kenya. Kenya loose US\$4 billion annually due to road traffic fatalities (Charles, 2013). A WHO final report 2015 on global road fatalities indicated that Kenya road death tolls was ranked among the highest in the world (29.1 per 100 000 population) after Tanzania and Rwanda with 32.9 and 32.1 deaths per 10 000 people respectively (Redfern, 2015). The National Transport and Safety Authority road safety status report 2015 shows that 3,057 died in 2015 compared to 2,907 in 2014 (NTSA, 2016). The same report indicates that the number of deaths that resulted from road accidents and injuries in 2005, 2010 and 2015 are 2533, 3045 and 3057 respectively. This shows that Kenya is on an increasing trend of road fatalities despite the introduction of the National Transport and safety Authority which was established through an Act of Parliament; Act Number 33 on 26th October 2012 with a vision to offer sustainable and safe Road Transport System with Zero crashes. Therefore, basing on this background the study sought to establish the Perception on National Transport and Safety Authority (NTSA) Road Accident Reduction Strategies in Kenya from Passengers and Motorists Perspectives.

## 2. Methodology

The study applied a cross-sectional survey design to establish the users' perception of NTSA's road safety strategies. This design involves collection of information by interviewing or administering a questionnaire to a sample of individuals (Orodho, 2003). This design enabled the researcher to have a systematic collection and analysis of data so as to establish the road users' perception on NTSA's road safety strategies in Kenya. The sample size included one hundred and ten (110) stakeholders in the transport sector. Stratified random sampling procedure was used to select the sample from various categories of stakeholders. The researcher used questionnaire method to collect data. Content validity of data collection instrument was ensured by the use of expert opinion of the university supervisors. To ensure reliability of the instrument, the researcher used the test-retest method. In testing of the instrument, Pearson's Product Moment Correlation Coefficient Statistical technique was employed where a reliability coefficient of 0.85 was obtained which is higher than the reasonable threshold of 0.7. Data were analyzed using Statistical Package for the Social Sciences (SPSS) and results were presented in frequencies and percentages. The researcher ensured confidentiality among respondents by using the data collected only for the purpose of the study. Other ethical consideration like anonymity in dissemination of research findings was assured.

## 3. Results

### 3.1 Demographic Characteristics of the Respondents

Demographic information included gender and age brackets of the respondents. Slightly less than

two third (63%) of the respondents were male and the remaining 37% of them were female. On respondents age bracket, 59% of them were between 25-35 years, another 22% of them were between the age of 35-50 years, while 16% of them were between 18-25 years. Only 3% of them were over 50 years of age.

### 3.2 Perception on NTSA's Road Accident Reduction Strategies

The study sought to examine passengers' and motorists' perception on NTSA's Road Accident Reduction Strategies. The respondents indicated their responses on various statements related to NTSA's Road Accident Reduction Strategies.

*Road user's perception of NTSA's road accident reduction strategies*

Item	SA	A	UD	D	SD
Well conversant with NTSA road accident reduction strategies	18%	37%	21%	16%	8%
Driving beyond limits poses risk of accidents	42%	26%	17%	12%	3%
Management of transport industry through SACCOs will help reduce accidents	44%	25%	15%	11%	5%
Breathalyzer will help reduce accidents	6%	21%	53%	9%	11%
Use of speed guns help drivers from speeding hence avoiding accidents	20%	50%	12%	10%	8%
Majority of the accidents are caused by nature	6%	9%	53%	21%	11%

*Key: SA- Strongly Agree, A- Agree, UD- Undecided, D- Disagree, SD- Strongly disagree*

Slightly more than a half (55%) of the respondents "agreed" and "strongly agreed" that they were conversant with NTSA strategies, 24% of them "disagreed" and "strongly disagreed" with the item while the remaining 21% were "undecided". When asked whether driving beyond limits posed risk of accidents, 68% of them were positive while the another 16% were negative.

In regards to whether the management of transport industry through SACCOs helped in reducing accidents, 69% of the respondents agreed that it did. Only 16% of them felt that SACCOS was not much of help.

With reference to whether breathalyzer helped in reducing accidents, 53% were "undecided". Another 27% of them felt that it helped to reduce accidents. However, 20% disagreed that it did not help to reduce accidents. On the question of whether use of speed guns helped drivers from

speeding hence avoiding accidents, 70% of them were positive. However, 18% of them felt that this did not help much.

In regards to whether majority of the accidents are caused by nature, 32% of the respondents disagreed. However, 15% of them felt that most of the accidents are caused by nature. Over half (53%) were undecided.

#### 4. Discussion

The study findings showed that 45% of the respondents indicated that they were either not conversant with NTSA road accidents reduction strategies or not decided on their view towards these strategies. This is a worrying trend as it could be a reason why there are increased deaths resulting from road accidents among motorists and passengers in Kenya. This finding agrees with a study conducted by Agbonkhese, Yisa, Agbonkhese, Akanbi, Aka and Mondigha (2013) on causes and preventive measures of road traffic accidents in Nigeria which found that lack of awareness on road safety amongst road users had led to many deaths from road accidents. However, a study that was carried out by Asalor (2010) on improved road safety in Nigeria found that contrary to the general belief that Nigerians possess very low level of awareness on the causes of road traffic accidents, Nigerians know quite a lot about what could cause road traffic accidents but they are ignorant. Therefore, there is a need for NTSA to organize awareness campaigns on road safety measures amongst passengers and motorists. Further, ignorant road users should also be warned on the dangers that their ignorance can cause.

Over two third, (68%) of the respondents agreed that driving beyond speed limits posed risk of road accidents. This concurs with an earlier study conducted by Massachusetts Traffic Safety Research Program (2005) in which found that speeding is one of the most prevalent factors contributing to traffic crashes around the world. The study further indicated that speeding plays out a big percentage of all fatal crashes which translates to huge loss of lives in speeding-related crashes. This is also in agreement with another survey carried out by Sprattler (2012) on risks of speeding and speeding-related fatal crashes in United States which found that speeding is one of the most prevalent factors contributing to serious and fatal crashes, yet it does not command nearly as much attention as other safety issues such as alcohol impaired or distracted driving. Further the survey found that the speed limit vary from one state to another ranging from 70 Km/h to 85Km/h and established that although speed governors are mandatory in all vehicles there are road accidents.

Majority of the respondents (69%) agreed that management of transport industry through SACCOS will help reduce roads accidents. This is in agreement with a study conducted by Graeff (2009) which indicated that government introduced SACCOS in the matatu sector as one of the reforms strategy that targeted to manage transport systems. A study carried out by Chitere & Kebab (2004) on efforts to improve road safety in Kenya found that most drivers and conductors do not observe traffic rules and are responsible for many accidents in both rural and urban areas but through SACCOS they are well managed. Thus, SACCOS play a vital role towards controlling "madness" in the matatu industry.

Slightly more than half (53%) were undecided that breathalyzer will help reduce accidents in Kenya. This is in agreement with a report by WHO (2004) on road traffic injury prevention which indicated that breath-testing devices that provide objective evidence of blood alcohol concentration (BAC) are the most effective enforcement tool although they are used in most high-income countries but not in most low-income and middle-income countries. Thus, there is a low sensitization on how breathalyzer works and its impact on reducing road accidents in developing countries, Kenya based on the level of the respondents who were undecided on whether they are effective. The finding is an indication of certain level of ignorance or lack of knowledge about the role of breathalyzers in reducing road accidents in Kenya.

Over 70% of the respondents agreed that use of speed guns helped drivers from speeding hence avoiding accidents. The speed gun being used by traffic officers in Kenya is a new technology that allows for audio visual recordings and still photographic evidence hence leaving no room for over-speeding and corruption as well (Kimaru, 2013). Through continuous monitoring of the vehicles' speed, the traffic police are able to get hold of drivers whose vehicles exceed the required speed limit. This has helped to minimize accidents along highways in Kenya.

Although 53% of the respondents were undecided on whether majority of the accidents are caused by nature, 15% of them agreed. This view is common among a number of people in Africa as previous findings show. Some studies from African countries confirm that beliefs on nature as cause of road traffic accidents are prevalent and therefore posing danger to road safety strategies. Studies from Nigeria, Ivory Coast and South Africa (Kouabenan, 1998; Dixey, 1999; Peltzer & Renner, 2003; Peltzer, 2004) found that fatalism and other mystical beliefs are potential barriers to enhancing road safety and participation in health-promoting behaviors. Such beliefs are expected to obstruct road safety efforts, since individuals may consider the struggle against nature to be futile because events like road crashes are believed to be inevitable and predetermined, and may also promote resistance to interventions which attempt to change behavior (Kayani, King, & Fleiter, 2012).

## 5. Conclusion

The study found there various road safety control mechanisms that have been put in place by NTSA including use Breathalyzers, speed gun and SACCOS. While such efforts have been fronted, the perception of passengers and motorists about NTSA's Road Accident Reduction Strategies are still varied. This could be attributed to either lack of sound road safety implementation mechanisms by NTSA and associated institutions or general negative attitude and beliefs among passengers and motorists. Thus, there is need to embrace a participatory approach to address the issue of perception among passengers and motorists. Thus, there is a need for various stakeholders in transport industry to conduct ongoing road safety campaigns to change road users' perception about various strategies that NTSA uses.

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Mogire, R.M. (2017). Road Users' Perception of National Transport and Safety Authority Road Accident Reduction Strategies in Kenya. *Journal of Management and Business Administration*, 2(1). Retrieved from <http://writersbureau.net/journals/jmba/road-users-perception-of-national-transport-and-safety-authority-road-accident-reduction-strategies-in-kenya.pdf>

# KENYA : ROAD TRAFFIC ACCIDENTS 2017 ACCORDING TO WORLD HEALTH ORGANISATION

14,032 4.98 39.22 16

According to the latest WHO data published in 2017 Road Traffic Accidents Deaths in Kenya reached 14,032 or 4.98% of total deaths. The age adjusted Death Rate is 39.22 per 100,000 of population ranks Kenya #16 in the world. Review other causes of death by clicking the links below or choose the full health profile.

## MICRONESIA : ROAD TRAFFIC ACCIDENTS

2 0.35 2.34 183

According to the latest WHO data published in 2017 Road Traffic Accidents Deaths in Micronesia reached 2 or 0.35% of total deaths. The age adjusted Death Rate is 2.34 per 100,000 of population ranks Micronesia #183 in the world. Review other causes of death by clicking the links below or choose the full health profile.

## NIGERIA : ROAD TRAFFIC ACCIDENTS

37,562 1.85 24.75 58

According to the latest WHO data published in 2017 Road Traffic Accidents Deaths in Nigeria reached 37,562 or 1.85% of total deaths. The age adjusted Death Rate is 24.75 per 100,000 of population ranks Nigeria #58 in the world. Review other causes of death by clicking the links below or choose the full health profile.

## TANZANIA : ROAD TRAFFIC ACCIDENTS

17,840 4.78 43.56 9

According to the latest WHO data published in 2017 Road Traffic Accidents Deaths in Tanzania reached 17,840 or 4.78% of total deaths. The age adjusted Death Rate is 43.56 per 100,000 of population ranks Tanzania #9 in the world. Review other causes of death by clicking the links below or choose the full health profile.

## UNITED STATES : ROAD TRAFFIC ACCIDENTS

34,908 1.52 10.04 127

According to the latest WHO data published in 2017 Road Traffic Accidents Deaths in United States reached 34,908 or 1.52% of total deaths. The age adjusted Death Rate is 10.04 per 100,000 of population ranks United States #127 in the world. Review other causes of death by clicking the links below or choose the full health profile.

## UGANDA : ROAD TRAFFIC ACCIDENTS

10,675 4.13 45.69 6

According to the latest WHO data published in 2017 Road Traffic Accidents Deaths in Uganda reached 10,675 or 4.13% of total deaths. The age adjusted Death Rate is 45.69 per 100,000 of population ranks Uganda #6 in the world. Review other causes of death by clicking the links below or choose the full health profile.

## INDIA : ROAD TRAFFIC ACCIDENTS

278,383 3.16 22.51 67

According to the latest WHO data published in 2017 Road Traffic Accidents Deaths in India reached 278,383 or 3.16% of total deaths. The age adjusted Death Rate is 22.51 per 100,000 of population ranks India #67 in the world. Review other causes of death by clicking the links below or choose the full health profile.

## CHINA : ROAD TRAFFIC ACCIDENTS

268,127 2.87 17.50 94

According to the latest WHO data published in 2017 Road Traffic Accidents Deaths in China reached 268,127 or 2.87% of total deaths. The age adjusted Death Rate is 17.50 per 100,000 of population ranks China #94 in the world. Review other causes of death by clicking the links below or choose the full health profile.

## GERMANY : ROAD TRAFFIC ACCIDENTS

3,428 0.47 3.54 170

According to the latest WHO data published in 2017 Road Traffic Accidents Deaths in Germany reached 3,428 or 0.47% of total deaths. The age adjusted Death Rate is 3.54 per 100,000 of population ranks Germany #170 in the world. Review other causes of death by clicking the links below or choose the full health profile.

20	Eritrea	37.37	81	Morocco	19.75	142	Slovakia	7.3
21	DR Congo	36.88	82	North Korea	19.67	143	Tonga	7.02
22	Ethiopia	36.36	83	El Salvador	19.5	144	Macedonia	7.02
23	Somalia	35.88	84	Timor-Leste	19.34	145	Greece	7
24	Zambia	35.43	85	Samoa	19.23	146	Grenada	6.72
25	Niger	35.37	86	Lebanon	19.22	147	Luxembourg	6.71
26	Sierra Leone	35.37	87	Haiti	19.21	148	Belgium	6.61
27	Sudan	35.23	88	Suriname	19.14	149	Cuba	6.5
28	Cameroon	35.06	89	Colombia	18.82	150	Bulgaria	6.4
29	Central Africa	35.05	90	Afghanistan	18.73	151	Serbia	6.38
30	Guinea	34.95	91	Vanuatu	18.42	152	Hungary	6.22
31	Ghana	33.17	92	Saint Lucia	18.37	153	Portugal	6.11
32	Congo	33.04	93	Turkmenistan	17.64	154	Fiji	6.1
33	Guinea-Bissau	31.94	94	China	17.5	155	Czech Republic	5.97
34	Saudi Arabia	31.91	95	Indonesia	16.64	156	Estonia	5.94
35	Djibouti	30.82	96	Nicaragua	16.56	157	Slovenia	5.75
36	Mali	30.75	97	Uruguay	16.49	158	New Zealand	5.74
37	Cote d'Ivoire	30.69	98	Sri Lanka	16.33	159	Cyprus	5.65
38	Iran	30.32	99	Laos	16.13	160	Canada	5.26
39	Mauritania	29.67	100	Bhutan	15.91	161	Barbados	5.09
40	Dominican Rep.	29.63	101	Guyana	15.88	162	Australia	4.94
41	Angola	29.48	102	Russia	15.85	163	France	4.86
42	Jordan	29.41	103	Bangladesh	15.56	164	Austria	4.74
43	Chad	29.39	104	Pakistan	15.42	165	Italy	4.72
44	Thailand	28.28	105	Qatar	14.92	166	Malta	4.62
45	Namibia	27.96	106	Saint Vincent	14.54	167	Maldives	4.03
46	Libya	27.75	107	Armenia	14.52	168	Ireland	4.01
47	Oman	27.68	108	Egypt	14.46	169	Finland	3.73

48	Swaziland	27.25	109	Costa Rica	14.32	170	Germany	3.54	
49	Lesotho	26.76	110	Peru	14.01	171	Iceland	3.27	
50	Yemen	26.17	111	Argentina	13.39	172	Israel	3.27	
51	Gabon	25.99	112	Bosnia/Herzegovina	12.65	173	Singapore	3.24	
52	Belize	25.94	113	Trinidad/Tobago	12.52	174	Japan	3.04	
53	Algeria	25.91	114	Albania	12.32	175	Spain	2.94	
54	Syria	25.83	115	Mexico	12.13	176	Norway	2.93	
55	Bolivia	25.61	116	Philippines	11.82	177	Denmark	2.89	
56	Cape Verde	25.16	117	Mauritius	11.81	178	Switzerland	2.82	
57	Paraguay	25.16	118	Lithuania	11.34	179	Netherlands	2.81	
58	Nigeria	24.75	119	Antigua/Barbuda	11.21	180	United Kingdom	2.58	
59	Malaysia	24.51	120	Belarus	11.16	181	Kiribati	2.57	
60	Solomon Islands	23.67	121	Panama	10.84	182	Sweden	2.49	
61	Equatorial Guinea	23.63	122	Chile	10.74	183	Micronesia	2.34	
	Rank	Country	Rate	Rank	Country	Rate	Rank	Country	Rate

ICD-10 CODES: V01-V04, V06, V09-V80, V87, V89, V99

Data rounded. Decimals affect ranking.

Data Source: WORLD HEALTH ORGANIZATION

Age Adjusted Death Rate Estimates: 2017

Calculations Provided by World Life Expectancy

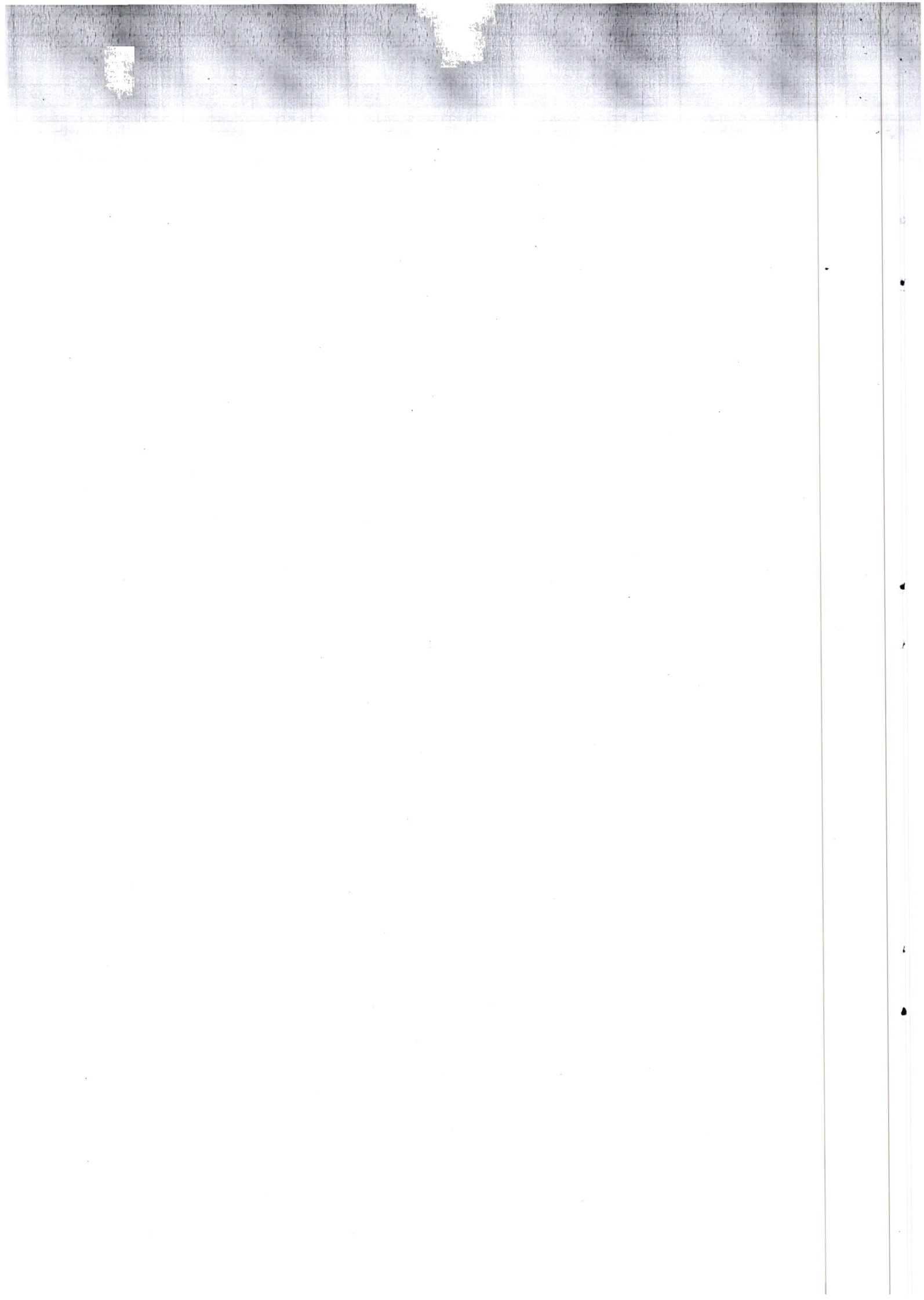
Data Accuracy Not Guaranteed

WHO Excludes Cause of Death Data For the following countries: Andorra, Cook Islands, Dominica, Marshall Islands, Monaco, Nauru, Niue, Palau, Saint Kitts, San Marino, Tuvalu.

OUR DATA: We use the most recent data from these primary sources:

WHO, World Bank, UNESCO, CIA and individual country databases for global health and causes of death.

We use the CDC, NIH and individual state and county databases for verification and supplementation for USA data.



## TRAFFIC ROAD ACCIDENTS DEATHS 2018

Preliminary statistics released by the National Transport and Safety Authority (NTSA) reveal that at least 1,782 people have lost their lives by February 28, 2018 compared to 1,971 who died the same period last year. Although NTSA distanced itself from the blame it pointed fingers on human error as the major causes of accidents on Kenyan roads. The president directives to remove NTSA off the roads was ignited by the countrywide public outcry on total failure by NTSA to curb increased road crashes that had claimed dozens of lives the past one year. The latest statistics indicates that more pedestrians are still vulnerable to accidents across the country compared to the number of passengers, motorcyclist and pedal cyclists killed in road accidents. Some victims said they were involved in accidents following a crackdown down by NTSA whose crude operation involved chasing cars like an antelope being chased by a lion in the park. "I was involved in a road accident that seriously injured me. I attempted to evade being caught by the officers chasing me. My car rolled several times and landed in a ditch," said victim who asked not to be named. Traffic police officers are more professional when it comes to road safety matters and control of traffic on Kenyan roads. The statistics indicates that pedestrians were hardest hit with 169 fatalities followed by 94 passengers who died in February 2018. A report also indicates that between January 1 and February 27, this year, a total 488 people died in road crashes in various parts of the country. According to the report 176 pedestrians died in road crashes across the country followed by motorcyclists with 114 deaths recorded During the same period, 41 drivers lost their lives while 94 passengers and 9 pedal cyclist perished in the accidents. However, the comparative statistics released in January 1, to February 28, 2017 indicate that a total of 474 people perished in a road crash. Out of this 196 pedestrians lost their lives and 82 motorcyclists. The report also reveals in 2017 the number of people who sustained serious injuries stood at 714 compared to 585 by February this year. But NTSA boss Francis Meja said that the reduction of accident was attributed to increase sensitization on road that has seen the number of crash victims go down. "Sensitization on road usage has seen deaths as a result of road crashes reduce drastically compared to the same time last year. But as at now the traffic police officers have taken the role to enhance safety on the road," Meja said.

Read more at: <https://www.standardmedia.co.ke/business/article/2001272322/statistics-show-decline-of-road-accidents-since-ntsa-replacement>

Six people die, nine injured in accident along Meru-Mikinduri road By Phares Mutembei | Published Tue, May 29th 2018 at 11:07, Updated May 29th 2018 at 11:48 GMT +3  
SHARE THIS ARTICLE Share on Facebook Share on Twitter A Probox that was involved in an accident on Meru-Mikinduri road Monday night. [Phares Mutembei, Standard] Six



people died in a road accident in Meru when a Probox matatu and a pick-up collided on Monday night. The six died minutes later at a nearby hospital. ALSO READ: Concern over rising accidents as five killed at notorious spot According to Imenti North OCPD Sammy Kosgei, the accident at Giaki Junction on the Meru-Mikinduri road happened at around 9.30pm when the driver of the Toyota Probox tried to overtake a lorry. The driver of the pick-up, who was the sole occupant of the vehicle, escaped with head, hand and leg injuries. "Five passengers in the Probox and their driver died soon on arrival at the Meru Level 5 Hospital. We are working to establish exactly how it happened and those involved," said Mr Kosgei on Monday. The wreckage of the two vehicles, with the Probox bearing the brunt of the impact on a road that is usually not busy at night were towed to the police station. Avoid fake news! Subscribe to the Standard SMS service and receive factual, verified breaking news as it happens. Text the word 'NEWS' to 22840 Witnesses who rushed to the scene said the Probox was overloaded as it sped towards Mikunduri town. Boniface Mwirigi and Ben Gaito, a mechanic, were among the first to arrive at the scene to help the passengers inside the mangled Probox. "The driver of the pick-up is David Kariithi and he was driving to Meru town from Mikinduru town. We rushed him and the injured ones to Meru hospital. He was not injured as seriously as others," said Mr Mwirigi. "Kariithi suffered head, hand and leg injuries but he was not looking so bad. Five others who did not suffer such serious injuries were treated and discharged," said Mwirigi. ALSO READ: Uproar as notorious Webuye-Kitale Highway claims more lives

Read more at: <https://www.standard-media.co.ke/article/2001232173/six-people-killed-nine-injured-in-meru-road-accident>

Uproar as notorious Webuye-Kitale Highway claims five more lives By Raphael Wanjala | Published Sat, May 26th 2018 at 15:04, Updated May 26th 2018 at 20:51 GMT +3  
SHARE THIS ARTICLE Share on Facebook Share on Twitter The wreckage of the matatu that was involved in the road accident along Kitale-Webuye Highway Five more people perished in yet another grisly accident along the notorious Webuye – Kitale highway after a matatu collided with a tractor ferrying cane to West Kenya sugar factory. The Friday night carnage which occurred at Matili market a few metres from the killer

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Kamukuywa bridge where six people were killed is a similar incident barely one week ago. ALSO READ: 14 die in road accident at Kamukuywa black spot According to eyewitnesses, the Kitale bound matatu attempted to overtake another vehicle when it collided head on with the tractor that was coming from the opposite direction. Kevin Baraza said the 14 seated matatu was speeding and tried to pass another vehicle but miscalculated and ended up colliding with the tractor. "The tractor did not have proper head lights and the matatu driver may have confused it for a motorcycle before deciding

to overtake," he said. Bungoma North OCPD, Stephen Muoni, confirmed that five people perished in the accident disputing earlier reports that had indicated a higher number. Muoni said the injured were rushed to various hospitals in Kitale and called on drivers to be careful along the highway. Another accident occurred at the Kamukuywa bridge last December claiming 19 lives, including nine family members from Mahanga in Vihiga county. It also involved a tractor ferrying sugarcane to the same sugar company. Local leaders and residents have decried the escalating deaths demanding action from both National and county governments. ALSO READ: Royal Media owner S.K Macharia's son dies in road accident Tractors and trailers ferrying sugarcane have been blamed for the accidents along the highway. David Wanyama, a local said the tractors were being driven by drivers who commit traffic offences that lead to accidents. Wanyama said the drivers usually work for long hours and would rush to record as many trips as possible because their pay is pegged on the amount of cane delivered at the factory for crushing in terms of tonnage. "The drivers work on commission and thus in a bid to make many trips decide to speed and at times become wreckless. This needs to be checked," he said. The tractors also lack proper lights with some having only a single head light while most of them do not have indicators. The way cane is loaded also leave a lot to be desired as is makes it impossible for other road users to move according to locals. Governor Wycliffe Wangamati met West Kenya Sugar management at the company precincts yesterday where it was agreed that from today henceforth and until the new Transport Bill by the County Assembly on Road Safety is passed, no cane trailers will be allowed on the killer highway past 6:00pm, whether moving or p  
Read more at: <https://www.standardmedia.co.ke/article/2001281828/uproar-as-notorious-webuye-kitale-highway-claims-more-lives>

Fatal accident claims 8 lives along Mombasa-Nairobi Highway By Stephen Nzioka | Published Sun, April 22nd 2018 at 09:32, Updated April 22nd 2018 at 10:56 GMT +3  
SHARE THIS ARTICLE Share on Facebook Share on Twitter [Photo: Courtesy] Eight people lost their lives in a fatal road accident at Muambi area along the Mombasa-Nairobi Highway in Machakos County on Sunday morning. The accident that happened around 2:30 AM involved a Nairobi bound matatu and a trailer, Mercedes Benz Acer, that was headed to the same direction where the Toyota matatu bumped on the trailer from behind.  
Read more at: <https://www.standardmedia.co.ke/article/2001277792/8-killed-in-dawn-accident>

21 dead as bus en route to Indian wedding crashes By AFP | Published Wed, April 18th 2018 at 16:57, Updated April 18th 2018 at 17:07 GMT +3  
SHARE THIS ARTICLE Share on Facebook Share on Twitter The truck, carrying more than 40 wedding revelers,

smashed through a protective railing in central Madhya Pradesh state late Tuesday and plunged nearly 20 meters to a dry riverbed below. [Courtesy] At least 21 revelers were killed en route to a wedding when their bus flew off a bridge, police said Wednesday, the latest horrific crash on India's accident-prone roads. The bus, carrying more than 40 passengers, smashed through a protective railing in central Madhya Pradesh state late Tuesday and plunged nearly 20 metres to a dry riverbed below. ALSO READ: Why Kenya direly needs at least a gold medal in Commonwealths Deadly Roads Police in Sidhi district said 21 people were injured, most of them critically, in the crash some 560 kilometres from the state capital Bhopal. "Several teams of police and emergency services were rushed to rescue the injured. Most of the injured were in a critical condition," local police officer Vishal Sharma said. The immediate cause of the crash was unknown but Sharma said the driver was likely speeding. India has some of the world's deadliest roads with more than 200,000 fatalities annually, according to the World Health Organisation. Last week, at least 30 people, including 27 children, were killed in northern Himachal Pradesh state when a school bus plunged off a cliff. The next day, 18 people were killed when a truck packed with labourers overturned on a highway in western India. Most accidents are blamed on poor roads, badly-maintained vehicles and reckless driving. Read more at: <https://www.standardmedia.co.ke/article/2001277378/21-dead-as-bus-en-route-to-wedding-crashes>

Death on Kenyan road record slight drop By Antony Gitonga | Published Tue, June 5th 2018 at 13:26, Updated June 5th 2018 at 13:33 GMT +3 SHARE THIS ARTICLE Share on Facebook Share on Twitter Police Commissioner in charge of operations in the traffic department Mary Omari with boda boda operators in Naivasha during a campaign on safe driving. She challenged them to wear helmets to reduce accident fatalities. [Antony Gitonga, Standard] The number of fatal accidents in the country has dropped slightly according to the latest data from the department of traffic. According to the department, the numbers of those who have died between January and now stand at 1,279 against 1,293 in the same period last year. Read more at: <https://www.standardmedia.co.ke/article/2001282984/road-crash-deaths-fall>



**MINUTES OF THE FORTY SIXTH (46<sup>TH</sup>) SITTING OF THE DEPARTMENTAL COMMITTEE ON TRANSPORT, PUBLIC WORKS & HOUSING HELD ON SATURDAY, 4<sup>TH</sup> AUGUST 2018 AT 3.00 P.M. IN BARAZA II CONFERENCE ROOM, SAROVA WHITESANDS BEACH RESORT & SPA, MOMBASA**

**MEMBERS PRESENT**

1. Hon. David Pkosing - Chairperson
2. Hon. Samuel Arama
3. Hon. Ahmed Bashane Gaal
4. Hon. Suleiman Dori Ramadhani
5. Hon. Dominic Kipkoech Koskei
6. Hon. Johnson Many Naicca
7. Hon. Kulow Maalim Hassan
8. Hon. Peris Pesi Tobiko
9. Hon. Rehema Dida Jaldesa
10. Hon. Tom Mboya Odege
11. Hon. Vincent Kemosi Mogaka

**MEMBERS ABSENT WITH APOLOGY**

1. Hon. Moses Kuria - Vice Chairperson
2. Hon. Savula Ayub Angatia
3. Hon. Ahmed Abdisalan Ibrahim
4. Hon. Gideon Mutemi Mulyungi
5. Hon. Mugambi Murwithania Rindikiri
6. Hon. David Njuguna Kiaraho
7. Hon. Rigathi Gachagua
8. Hon. Shadrack John Mose

## **SECRETARIAT**

- |                             |   |                     |
|-----------------------------|---|---------------------|
| 1. Ms. Chelagat Aaron Tungo | - | Clerk Assistant I   |
| 2. Mr. Ahmed Salim A.       | - | Clerk Assistant III |
| 3. Ms. Mercy Wanyonyi       | - | Legal Counsel       |
| 4. Mr. James Muguna         | - | Researcher          |
| 5. Mr. Eugene Luteshi       | - | Audio Officer       |
| 6. Mr. Yeziel Jilo          | - | Sergeant at arm     |
| 7. Mr. Robert Langat        | - | Office Assistant    |

## **MIN No. TPWH 201/2018:                    PRELIMINARIES**

The Chairperson called the meeting to order at five minutes past three o'clock, with a word of prayer from Hon. Ahmed Bashane Gaal, MP. The Chairperson informed the Committee that the agenda of the meeting was to prepare and adopt the report on the petition presented to the National Assembly by Messrs. Peter Mugo Mukua, Daniel Macharia Mukua and John Kefa Korir, proposing amendments to the Traffic Act. Members adopted the agenda, the proposer being Hon. Samuel Arama and the seconder being Hon. Dominic Koskei.

## **MIN No. TPWH 202/2018:                    CONFIRMATION OF MINUTES OF THE PREVIOUS SITTINGS**

Minutes of the 45<sup>th</sup> sitting held on Saturday 4<sup>th</sup> August 2018 were confirmed as a true record of the proceedings, having being proposed by Hon. Tom Odege and seconded by Hon. Peris Tobiko.

## **MIN No. TPWH 203/2018:                    REPORT WRITING FOR THE PETITION TO PARLIAMENT UNDER ARTICLES 26(1), 28 AND 35 OF THE CONSTITUTION OF KENYA AND THE TRAFFIC ACT 2012 WITH REGARD TO KENYA TRAFFIC ROAD ACCIDENTS**

The Petition was presented to the National Assembly by Messrs. Peter Mugo Mukua, Daniel Macharia Mukua and John Kefa Korir. It proposed amendments to the relevant sections of the

Traffic Act 2012 as a way of curbing the traffic accidents menace in the country. In their petition, the three petitioners wanted to draw the attention of the House to the following:

1. That the Kenya road accidents and carnage are very high and require very urgent attention and should be declared a national disaster so that more resources, time and energies are allocated and directed towards stopping this runaway loss of innocent promising lives.

2. That under fourth schedule of the Constitution of Kenya 2010, the function of Public Road transport is under county governments and therefore their prayer was that we introduce in the Traffic Act 2012 formation of County Road Safety Boards headed by the Governor.

3. That their prayer for introduction in the Traffic Act 2012 of five items listed hereunder and explained there below will give full effect to article 26(1) of the Constitution of Kenya 2010. They want public road transport to be the transport mode of choice because it will be the safest, convenient, comfortable, reliable and economical. The five items are:

- i. infrastructure and operations ;
- ii. vehicle maintenance, compliance and incentives;
- iii. establishment of county roads safety boards and public information;
- iv. public education and social responsibility; and
- v. judicial expediency.

They submitted that these measures when entrenched in the Traffic Act 2012 and operationalized will drastically reduce preventable road accidents by 95%. This year with the changes and additions proposed above, they expect the traffic road accidents to reduce by 50%.

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The Committee deliberated on the issues raised by the petitioners in their petition and in their oral submissions as well as issues responded to by the National Transport and Safety Authority. The Committee observed that:

1. The petition was drawing the attention of the National Assembly to the alarming cases of the accidents in the country; a matter that the Departmental Committee on Transport, Public Works and Housing had seriously considered and engaged stakeholders earlier during the beginning of the year 2018.

2. The establishment of permanent county traffic check points complete with speed checkers and surveillance cameras along the highway and main roads after every 50kms, permanent patrols along the highways and main road by a mobile traffic officer vehicle and the elimination of black spots is an enforcement issue which ought to be addressed by the police.
3. On vehicle maintenance, compliance and incentives item, Regulation 11 of the NTSA (Operations of Public Service Vehicles) 2014 has provisions on fleet management systems, section 41A of the Traffic Rules has provisions on speed limiters and further section 119 of the Traffic Act empowers the Cabinet Secretary to prescribe other devices for speed management.
4. The proposal for a trip timetable to control over speeding would be prone to severe manipulation and would provide more opportunities for corruption. However the same could be included in the PSV Regulations as opposed to the Traffic Act.
5. On national standardized vehicle maintenance and service form, the Traffic Act provides for mandatory annual motor vehicle inspection of all public and commercial vehicles where the mechanical condition of the vehicle is assessed and certified.
6. The proposed requirement for PSVs to keep a prescribed form or record on the maintenance of the vehicle could be incorporated in the PSV Regulations as opposed to the Traffic Act.
7. On the issue of registering all garages, it's practically impossible to register all garages in Kenya considering that most are found in the informal sector.
8. On the introduction of a digitalized license, a digitalized driving license has been developed by the NTSA and is currently in the process of being rolled out.
9. As regards a driver's clean bill of health, it's mandatory pursuant to section 105A of the Traffic Act for a driver of a public service vehicle or a commercial vehicle to undergo a physical fitness test after every three years from the date of issue of a driving license.
10. With regards to the renewal of driving licence's of PSV vehicles annually depending on traffic offences, section 117A of the Traffic Act provides for the assignment of demerit points whereby a driving licence shall be suspended or revoked upon the attainment of a certain number of points.

11. On mandatory installation of cameras by all PSVs, the cost of introducing would be prohibitive to operators who would in turn pass the cost to the public leading to higher costs of transportation.
12. As regards the establishment of a national incentives award scheme, the NTSA in conjunction with various stakeholders have launched an awards scheme where the best transport operator is feted.
13. With respect to first aid posters, the Traffic Rules make it mandatory for every PSV and commercial vehicle to have a first aid kit.
14. On the establishment of County Road Safety Boards and public information, the same is provided for in section 21 of the NTSA Act which establishes the County Transport and Safety Committees.
15. As regards the introduction into the education curriculum the issue of road safety, the same can be addressed by the Ministry of education and not through an amendment to the Traffic Act.
16. With respect to judicial expediency, the NTSA had enacted the Traffic Minor Offences Rules which provided for instant fines for minor offences. However, the same was challenged in court and an injunction halting its implementation granted on 13<sup>th</sup> October 2016.

**MIN No. TPWH 204/2018:**


**ADOPTION OF THE REPORT ON THE PETITION  
TO PARLIAMENT UNDER ARTICLES 26(1), 28  
AND 35 OF THE CONSTITUTION OF KENYA AND  
THE TRAFFIC ACT 2012 WITH REGARD TO  
KENYA TRAFFIC ROAD ACCIDENTS**

The Committee adopted the report on the petition to amend the relevant sections of the Traffic Act as presented to the National Assembly by Messrs. Peter Mugo Mukua, Daniel Macharia Mukua and John Kefa Korir. Adoption of the report was proposed by Hon. Samuel Arama and seconded by Hon. Seconded by Hon. Dominic Koskei.

**MIN No. TPWH 205/2018:**

**ADJOURNMENT**

There being no other business, the sitting was adjourned at five o'clock in the evening. The next meeting to be held on 5<sup>th</sup> August 2018, at 9.30am.

Signed.....  .....

(Chairperson)

Date..... 06/08/2018 .....