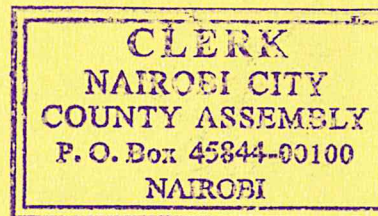


SPECIAL ISSUE

Kenya Gazette Supplement No. 13 (Nairobi City County Bills No. 7)



REPUBLIC OF KENYA

KENYA GAZETTE SUPPLEMENT

NAIROBI CITY COUNTY BILLS, 2018

NAIROBI, 16th November, 2018

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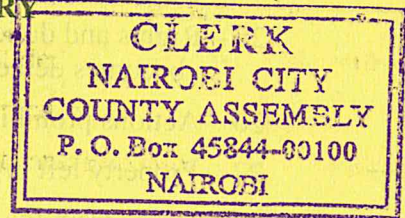
**THE NAIROBI COUNTY PUBLIC ROAD TRANSPORT AND
TRAFFIC MANAGEMENT BILL, 2018**

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THE NAIROBI COUNTY PUBLIC ROAD TRANSPORT AND TRAFFIC MANAGEMENT BILL, 2018

A Bill for

AN ACT of the County Assembly of Nairobi to establish and provide for matters relating county roads, street lighting, parking, public road transport, establishment of the public road transport and management Committee and county traffic Marshalls and for connected purposes

ENACTED by the County Assembly of Nairobi City as follows—

PART I—PRELIMINARY

1. This Act may be cited as the ‘Nairobi City County Public Transport and Traffic Management Act, 2018.’ Short title

2. In this Act— Interpretation

“authorized person” means any person responsible for carrying out any duty or function or delegated to carry out any duty or function in terms of this Act and includes a traffic marshal, traffic conductor and any other authorized person authorized under any other law;

“central business district” means the main business and commercial area within Nairobi city;

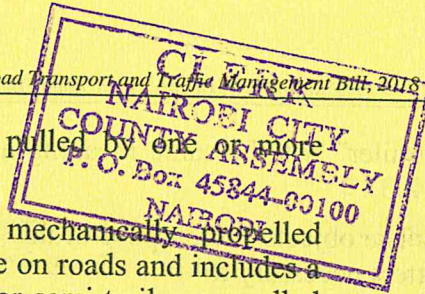
“County Executive Committee Member” means the county executive committee member at the time responsible for matters relating to Transport;

“County Roads” means all other roads except those marked as National Roads in the 1st schedule of the Kenya Roads Act, 2007;

“Committee” means the Public Road Transport and Management Committee established under section II of this Act;

“hazardous materials” means a substance or material in a quantity and form which may pose unreasonable risk to health and safety or properly when transported in commerce by all modes;

“human-drawn cart” is a vehicle designed for transport



using two wheels and normally pulled by one or more people.

“motor vehicle” means a mechanically propelled vehicle intended or adapted for use on roads and includes a vehicle, bus, tractor, truck trailer or semi-trailer, propelled or drawn by mechanical power and used upon public roads in the transportation of property or passengers, but does not include any locomotive operated exclusively on a rail, rails or track;

“motor cycle taxis” means any mechanically propelled vehicle with two or three wheels the weight of which unladen does not exceed eight hundred kilograms.

“owner” in relation to a vehicle which is the subject of a hiring agreement or a hire purchase agreement means the person in lawful possession of the vehicle under that agreement and, in the case of any vehicle or ship, in relation to the licence issued in respect of the vehicle or ship means the person in lawful possession of the vehicle or ship specified in the licence;

“permit” means operating authority issued under this Act;

“person” includes an individual, firm, partnership, association or corporation;

“public service vehicle” means any motor vehicle which—

- (a) is licensed under this Act to carry passengers for hire or reward; or
- (b) plies for hire or reward or is let out for hire or reward;
- (c) is carrying passengers for hire or reward;

“ranking facility” includes a place upon a public road from which a public transport service may ply for hire or convey and drop off-passengers; and any place demarcated or designated for the exclusive parking of specific public transport vehicles by a road traffic sign.

“touting” means the attempt to sell anything typically by a direct or persistent approach;

“trailer” has the same meaning as in the Traffic Act (Cap. 403).

3. The objects and purpose of this Act is to provide for all matters necessary to— Object and Purpose

- (a) provide for adequate, safe and efficient public transport facilities and services at a reasonable cost to the people;
- (b) facilitate the management, planning and development of county transport facilities and infrastructure ;
- (c) provide a legal framework for county transport as spelt out in Part 2 of the fourth schedule of the Constitution of Kenya, 2010

4. This Act applies to County roads and County transport, infrastructure and services. Application

PART II— PUBLIC ROAD TRANSPORT AND MANAGEMENT COMMITTEE

5. (1) The County Executive Committee Member shall establish a committee to be known as the Public Road Transport and Traffic Management committee which shall consist of a chairperson and six other members from other county government departments. Public road transport and management committee

6. (1) The members of the Committee shall serve on a part time basis. Composition of the Committee

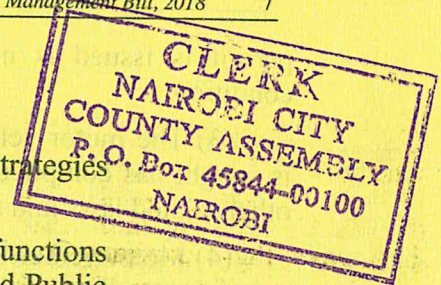
(2) The Chief Officer at the time responsible for matters transport, public works and Roads shall be the Chairperson.

(3) The composition of the committee shall be such that not more than two thirds of the members shall be of the same gender.

(4) The Committee Members shall be persons of ability, integrity and outstanding calibre and shall be chosen one each from amongst persons having experience in the fields of—

- (a) road design, engineering or construction;
- (b) automobile engineering or technology;
- (c) civil engineering;

- (d) transport and public works;
- (e) research, finance or administration;
- (f) traffic management, road user behavior strategies or road safety education;
- (g) (5) The Committee shall execute its functions through the Director Transport, Roads and Public Works who shall be the secretary to the committee.



7. The committee, in relation to the public road and traffic management shall discharge the functions and exercise the following powers —

Powers and functions of the Committee

- (a) issue operating permits to public service vehicles within the county roads;
- (b) conduct motor vehicle inspection within the SACCO and public service vehicles yards envisioned in this Act;
- (c) develop and advise the County Executive Committee Member on the application and implementation of an integrated transport policies and strategies;
- (d) conduct research and audits on county road safety;
- (e) prepare and submit to the county executive committee member, such reports as envisioned in Section 7 (d);
- (f) advise on matters affecting the road transport system within the county.

8. (1) The committee may establish such sub-committees within itself as it may consider necessary for the discharge of its functions and the exercise of its powers under this Act.

Road transport and management subcommittees

(2) The committee may co-opt any person to sit on the sub-committee established under this Act, whose knowledge and skills are found to be useful for the performance of the functions of the sub-committee.

9. (1) The following conditions shall be met by individuals or SACCOs applying to operate within county roads.

Conditions for Issuance of Permits

- (2) The public service vehicle in respect for which the

permit is issued is maintained in a fit and serviceable condition.

(3) The motor vehicle in respect for which the permit is sought has complied with the provisions of this Act and other related laws and regulations.

(4) Motor vehicles belonging to SACCOs, shall submit a certificate of inspection of SACCOs yards.

10. (1) The committee shall have the discretion to grant or decline any application for a permit to operate within county road or grant such a permit on conditions as it may deem fit to impose. Discretion to refuse to issuance of permits

(2) In exercising its discretion under sub section (1), the committee shall have regard to the public good as well as the individual interests of those seeking the permits.

11. (1) Every permit issued under this Act shall be valid for twelve (12) months from the date of issue. Duration of the Permit

(2) The committee may grant a short term permit for a period not exceeding three (3) months.

(3) Such permits granted under this Act, shall not be transferable whatsoever.

12. (1) The committee may revoke or suspend a permit to operate issued under this Act if— Power to Revoke or suspend a Permit

(a) the public service vehicle or SACCO fails to operate the vehicle with respect to which the permit was issued after period of three (3) months from the date of issue;

(b) the public service vehicle or SACCO fails to ply within the route in which it is allowed to operate;

(c) the public service vehicle or SACCO fails to comply with any provision of this Act and other related laws and regulations;

(d) a petition to suspend or revoke has been signed by seventy five per cent of the route users and duly submitted to the committee and;-

(i) the committee shall inform the applicant in writing, the reasons for such revocation or suspension;

(ii) where such a revocation or suspension is effected, the public service vehicle or SACCO

shall cease to be operate as a public service vehicle or SACCO under this Act.

13. (1) A person who—

Appeals Against
the Decision of the
Committee

- (a) being an applicant for the grant of a permit to operate public service vehicle, is aggrieved by the decision of the Committee on the application;
- (b) is aggrieved by decision of the committee to revoke or suspend its operation permit thereof, may within time and manner prescribed in the Appeals Board, appeal against the decision of the committee.

14. The procedure and conduct of the meetings of the committee shall be as provided for in the 1st Schedule of this Act.

Procedure and
Conduct of
Meeting

15. (1) The meetings of the Committee shall be convened by the Chairperson or in the absence of the Chairperson, by a member designated by the chairperson and shall be convened at such times as may be necessary for the discharge of the Committee's functions.

Seniority of
Members

(2) All questions which come up before any meeting of the committee shall be decided by a majority of the members present and voting, and in the event of an equality of votes, the Chairperson or in his absence, the person presiding over the meeting shall have a second or casting vote.

(3) All orders and decisions of the committee shall be authenticated by the Chairperson or any other member of the committee so authorized by the Chairperson.

(4) No act or proceeding of the committee shall be invalid merely by reason of—

- (a) any vacancy in, or any defect in the constitution of, the Committee; or
- (b) any irregularity in the procedure of the Committee not affecting the merits of the case.

16. (1) The Committee in discharging their functions in accordance with this Act and other relevant regulations shall be protected from personal liability when acting in good faith.

Protection from
Liability

(2) The Committee is hereby not relieved of the liability to compensate or pay damages to any person for any injury to him or her or property by the exercise of any power conferred by this Act or any other written law or by the failure, whether wholly or partially of any works.

17. (1) The County executive committee member shall constitute, an ad hoc board known as 'Appeals Board' Appeals Board

(2) The board shall include a maximum of seven and a minimum of five persons nominated from the various county government departments including transport, commerce and trade, legal and environment.

(3) The chairperson of the board shall have a person who is an advocate of the high court of Kenya with at least 5 years' experience.

(4) The quorum of the appeals board shall constitute a minimum number of four (4) members.

(5) Any person who is aggrieved by a decision of the Appeals board may within one month of the decision appeal to a court of competent jurisdiction.

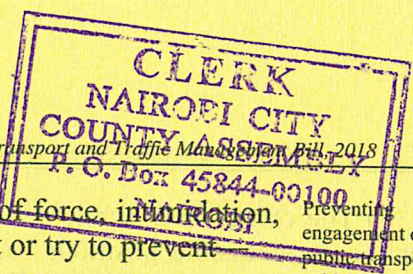
PART III—PUBLIC ROAD TRANSPORT, COUNTY ROADS AND STREET LIGHTING

18. An authorized officer may in enforcing the provisions of this Act, at any reasonable time and without prior notice— Right of entry

- (a) enter a public transport service facility or vehicle and conduct an inspection; and
- (b) make enquiries from a person connected with such facility.

19. (1) No person shall drive a motor vehicle on a public road— Operating license

- (a) except under the authority and in accordance with the conditions of a license issued in terms of the relevant laws; and
- (b) unless he or she keeps such license or documents or any other prescribed authorization with him or her in the motor vehicle.



20. No person shall through use of force, intimidation, or prevention of a public transport vehicle, threats or by any other means, prevent or try to prevent

- (a) any person from obtaining or engaging a public transport vehicle; or
- (b) the driver of a public transport vehicle from taking passengers;
- (c) the operation of any public vehicle which is lawfully operated.

21. (1) A person who is in charge of a public transport vehicle shall not knowingly convey a person or thing or allow that person or thing to be conveyed in such vehicle, if that person or thing—

- (a) is not permitted to be conveyed in terms of an existing law; or
- (b) has reasonably been exposed to or contaminated by an infectious or contagious disease.

(2) For purposes of this section a person contemplated by sub section (1) shall include—

- (a) an escaped convict;
- (b) any person escaping from a quarantined area;
- (c) any other person as the county executive member may determine.

22. (1) No person shall board a public transport vehicle—

- (a) where the number of passengers would be in excess of the total number of passengers which it is authorized to carry.

(2) No person shall board, alight, attempt to board or alight from any public transport vehicle whilst such vehicle is in motion.

(3) While boarding or disembarking priority shall be given to persons with disability, elderly persons, pregnant women and any other person with special needs.

(4) The crew of a public service vehicle shall reserve seats for persons with disability, elderly persons, pregnant women and any other person with special needs.

Preventing engagement of a public transport vehicle

Conveying dangerous or offensive articles in public transport vehicles

Boarding and disembarking of public transport vehicle

(5) The owner of a public service vehicle shall install signaling at accessible positions for passengers to press as an indication of their intention to disembark.

23. (1) The Committee shall establish ranking facilities in the county and may further erect or cause to be erected a queue sign or queuing barrier in any suitable form for the purpose of queuing;

Queuing at public transport facilities

(2) All passengers intending to enter any public transport vehicle at an established ranking facility or stopping place must queue from the point at which it is indicated;

(3) Where no queue sign has been erected, passengers waiting to enter a public transport vehicle must form themselves into a queue not exceeding two abreast or in a single file when required to do so by an approved public transport conductor or authorized official of the County;

24. (1) A passenger shall pay the determined fare for the journey.

Paying of fares

(2) An owner of a public service vehicle shall clearly display the vehicle's registration number and the fare charts inside the Public Service Vehicle.

(3) The fare to be paid shall not exceed the amount displayed on the vehicle according to the National, Transport and Safety Authority Act, 2012.

25. (1) If a public transport vehicle becomes defective or, for any reason whatsoever, is unable to proceed, the passengers shall disembark such defective vehicle and should the passengers have already paid their fares, they shall be entitled to a refund to the amount of their fares so paid by the person to whom the fares have been paid.

Rights and obligations of passengers when a public transport becomes defective

(2) Upon agreement with the driver or owner or operator of the defective public transport vehicle, passengers should be allowed to travel with the next available public transport vehicle for the remainder of the distance in respect of the paid fares, at the cost of the owner of the defective public transport vehicle.

(3) A driver or owner or operator who refuses to refund a passenger, as contemplated in subsection (1), or who refuses to allow a passenger to travel in the manner as contemplated in subsection (2) commits an offence.

(4) Where the vehicle has become defective in an area, the driver shall take reasonable steps to ensure the security of the passengers.

26. (1) The following actions are prohibited in and on a public transport vehicle—

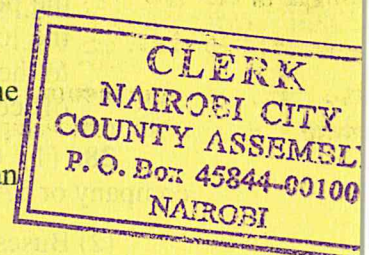
Actions prohibited
on a public
transport vehicle

- (a) smoking;
- (b) playing offensive or excessively loud music;
- (c) using obscene or offensive language;
- (d) use of alcohol, miraa and other illicit drugs by the crew and the passengers;
- (e) operating a public service vehicle with more than one crew at a time
- (f) interfering with the comfort of any passenger;
- (g) damaging anything and interfering with the equipment of the public transport vehicle in any way;
- (h) forcibly causing the driver to deviate from his route;
- (i) endangering the life of another passenger;
- (j) standing in a vehicle;
- (k) interfering with the actions of the driver;
- (l) displaying any pornographic material
- (m) drawing or displaying any offensive graffiti;
- (n) leaving the engine on while collecting passengers;
- (o) or any other actions prohibited by any other law.

(2) The following actions are prohibited on the body of a public transport vehicle—

- (a) modification of any parts of the vehicles (exhaust pipe, hooters, LED lights) in a manner likely to cause noise pollution;
- (b) installation of window tints on any the windows.

(3) Any person who contravenes this section commits an offence and is liable to a fine not exceeding fifty thousand or to an imprisonment for a term not exceeding six months or to both.



27. The crew of a public transport vehicle shall carefully examine the vehicle after a trip and if any passenger has left behind any property in the vehicle, the driver shall—

Property left in transport vehicle

- (a) deliver that property to the person who left it behind; or
- (b) if he or she is unable to deliver that property to the person who left it behind, take the property to the lost property office of his or her employer or to the nearest police station and deposit it with the officer on duty and obtain a receipt for it.

28. (1) Only public service vehicles of the same company or SACCO shall ply the same route.

Vehicles of the same company or SACCO

(2) Buses of the same company or SACCO plying the same route shall be of the same color and logo.

(3) All operators of a Public Service Vehicle (PSV) must be employees of a SACCO and must be in company uniform with proper identification documents.

(4) Public Service Vehicles or SACCO companies shall have a complaints office and the address and phone number of the company and the office displayed on the vehicles.

(5) Public Service Vehicles and SACCO companies shall have their own yards which shall serve as service and parking areas.

(6) Public Service Vehicles or SACCO companies shall submit the rules and regulations governing their operations and management within the county roads before being permitted to operate in county roads.

(8) Public Service Vehicles or SACCO companies shall be in full control of their fleet of motor vehicles and shall be responsible for their operation and management

29. (1) A motorcycle taxis shall—

Use of Motor Cycle Taxis (Boda-Boda)

- (a) only operate within a designated area and route;
- (b) belong to a SACCO of at least one hundred (100) motor bikes;
- (c) operate with a 3rd party insurance cover;

- (d) carry only one passenger who shall sit astride except persons living with disabilities (PWD).
- (e) not operate in the Central Business District.
- (f) observe all traffic indications like all vehicles operating within the County.

(2) Each SACCO shall be permitted to operate within one route only.

(3) All riders belonging to a given a SACCO shall wear the same color of reflective jackets with the name of the SACCO of which the rider is a member indelibly printed in letters not less than three and half inches on the back reflector jackets.

(4) all motorcycle taxi riders and pillion passengers shall wear a reflective jacket and helmet provided by rider.

(5) bicycles shall not operate within the Central Business District

30. (1) No person may park or allow a public transport vehicle to park in a shopping place designated for specified public transport vehicles.

Obstruction and disruption of traffic

(2) No public transport vehicle shall traverse a pedestrian crossing when stopping to enable passengers to be picked up or dropped off.

(3) No public transport vehicle shall be parked in a demarcated parking place any longer than is required to enable waiting passengers to be picked up or dropped off.

(4) No public transport vehicle shall be driven on drainage systems and walkways.

(5) Public grazing and herding of cattle on county roads shall be an offence—

(a) unaccompanied cattle found on county roads shall be impounded and the owner may claim his cattle within a period of thirty(30) days from the date of impoundment subject to payment of a fine imposed by the County Executive Committee Member.

(b) the County shall auction the impounded cattle upon failure by the owner to claim the impounded cattle.

31. (1) A Pedestrian may cross a public road only at a pedestrian crossing or an intersection or at a distance further than 100 meters from such pedestrian crossing or intersection.

Crossing by
Pedestrians

(2) Where a marked pedestrian crossing exists at an intersection, a pedestrian may only cross the intersection within the marked pedestrian crossing.

(3) Where a Traffic-control light signal, which embodies pedestrian signals, operates at an intersection, a pedestrian may not commence to cross the roadway in a pedestrian crossing at the intersection while the red light a pedestrian signal is displayed in the direction opposite to that in which he or she is proceeding.

(4) Where no pedestrian signals are operating at an intersection, but such intersection is controlled by a traffic-control light signal, a pedestrian may not commence to cross the roadway in a pedestrian crossing at the intersection while the red light of the traffic-control light signal is displayed in the direction opposite to that in which he or she is proceeding.

(5) Where a traffic-control light signal, which embodies pedestrian signals, are operating at a pedestrian crossing elsewhere than at an intersection, a pedestrian may only commence to cross the roadway in the pedestrian crossing when the green light of the pedestrian signal is displayed in the direction opposite to that in which he or she is proceeding.

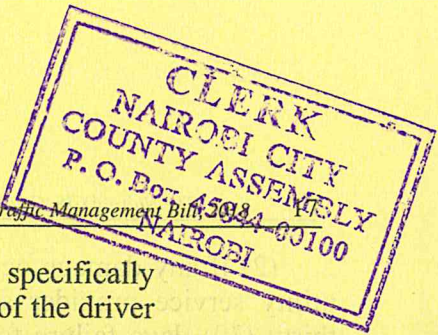
(6) No pedestrian may carelessly, negligently or recklessly disregard, or endanger his or her own safety, or the safety of a person or vehicle using a public road.

32. (1) No person shall on a public road use the horn or hooter of a vehicle except where such use is necessary in order to comply with the provisions of this Act or any other law or on the grounds of safety.

Use of horn or
hooter

33. (1) Subject to any other law, no person shall drive a motor vehicle on a public road while holding, using or operating a cellular or mobile telephone or any other communication device in one or both hands or with any other part of the body unless such a cellular or mobile telephone or other communication device is affixed to the vehicle or is part of the fixture in the vehicle and remains

Prohibition on use
of communication
device while
driving



so affixed while being used or operated, or is specifically adapted or designed to be affixed to the person of the driver as headgear, and is so used;

(2) An authorized officer may, in the public interest and safety of the public, confiscate and impound a hand held communication device;

(3) The authorized officer shall, when confiscating any hand held communication device—

- (a) inform the owner of such communication device of the reasons of confiscating and impounding;
- (b) issue a receipt to the owner of such hand held communication device, stating the place at which such device may be claimed; and
- (c) follow all procedures contained in any policy of the County dealing with the confiscation and impoundment of property.

34. A person who contravenes a provision of this Part commits an offence and is liable to a fine not exceeding Kenya Shillings one hundred thousand or to imprisonment to a term of imprisonment not exceeding one year, or to both such fine and imprisonment.

General penalty

35. (1) The County Government shall install and maintain street lights within the County with special attention to the following areas; Major Traffic Routes, High Crime Urban Areas, Town Centers, Pedestrian Crossings, Pedestrian Subways, Residential Areas, Foot Bridges and Shopping Centers.

Street lights and Maintenance

(2) The Committee shall be responsible for the maintenance of streetlights.

36. (1) No person shall willfully, carelessly or negligently cause damage to any streetlight or county roads.

Damage to the Street light and county roads

(2) Any person who contravenes this section shall, upon conviction be liable to a fine not exceeding Kenya Shillings one hundred thousand or to imprisonment to a term of imprisonment not exceeding one year, or to both fine and imprisonment.

37. (1) Utility service providers shall ensure that no damage occurs on public transport infrastructure during installation of utility materials.

Damage to public transport infrastructure by utility service providers

(2) If any damage occurs during such installation, the utility service provider shall repair such damage within thirty (30) days failure to which the County Government shall impose a fine equivalent to the cost of such repair.

PART IV— COUNTY TRAFFIC MARSHALLS

38. (1) There is established the Nairobi Traffic Marshalls in the County.

Establishment and Powers of County Traffic Marshalls

(2) The County Traffic Marshalls in accordance with this laws and other related laws shall have the following powers—

- (a) arrest traffic offenders who have contravened the provisions of this Act and other related traffic regulations;
- (b) ensure free flow of traffic within the city;
- (c) report any traffic accident to the traffic police;
- (d) enforcement of this Act and other traffic rules and regulations;
- (e) tow any vehicle that is in contravention with the provisions of this Act and other related regulations, at the owner's expense ; and
- (f) Perform any other duties as assigned by the County Executive Committee Member.

PART V— PARKING ON COUNTY PUBLIC ROADS

39. No person shall park or permit a vehicle to be parked on a public road contrary to a traffic sign or in a manner that impedes the flow of traffic.

Parking on County Roads

40. (1) Parking shall be strictly in areas designated as such and parking fees as shall be paid as prescribed.

Parking Fee

(2) Non-payment of parking fees shall attract clamping and or towing to the marshal headquarters at a prescribed fee.

(3) Commercial establishments within the County charging parking fees shall remit a percentage of their collections to the County, as shall be determined by the County Executive Committee Member.

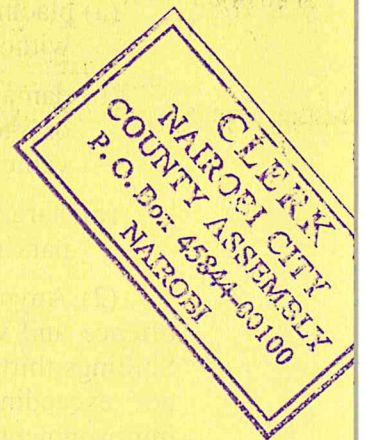
(4) Management of parking and enforcement of the provisions of this Act shall be the responsibility of the authorized officers.

(5) The County Executive Committee Member shall maintain a record of all delineated county parking areas.

41. Unless required or permitted by this Act or by a traffic control device, or in compliance with the directions of a traffic Marshall or a road traffic officer, or to avoid conflict with other traffic, no person shall stop or park a vehicle—

Prohibited parking areas

- (a) at an intersection nearer than ten (10) meters to the projection of the curb line immediately ahead or immediately to the rear;
- (b) within ten (10) meters on the approach to a stop sign or yield signs;
- (c) within five (5) meters of any fire hydrant, or when the hydrant is not located at the curb, within five (5) meters of the point on the edge of the roadway nearest the hydrant;
- (d) within ten (10) meters of the approach to a pedestrian crossing;
- (e) on a sidewalk;
- (f) facing oncoming traffic;
- (g) on any bridge or approach to any bridge;
- (h) in a passenger loading or unloading space posted;
- (i) as such by a traffic control device except when actually taking or discharging passengers;
- (j) on any portion of a public road posted as "No Parking",
- (k) on any land owned by the county which the county uses or permits to be used as a playground, recreation area, utility lot, or public park, except in such areas designated or posted for parking;
- (l) on any space posted as a fire lane except for emergency vehicles;
- (m) on any space posted for disabled persons parking unless such vehicle is designated as a disabled persons vehicle;
- (n) in a transit zone except a transit vehicle;
- (o) in such a manner so as to obstruct an emergency exit;



- (p) In such a manner so as to obstruct the entrance or exit of a fire hall or ambulance station.
- (q) in drainage systems and walkways;
- (r) parking of any flammable chemical or petroleum tankers in residential areas.

42. (1) The following actions are prohibited—

Actions prohibited on parking alleys

- (a) placing a sign post or reserving a parking space without the authority of the county government;
- (b) damaging or causing to be damaged or removing or attempting to remove the clumper on a clamped vehicle;
- (c) charging drivers or owners of parked vehicles parking fees by unauthorized county officers

(2) Anyone who contravenes this section commits an offence and will be liable to a fine not exceeding Kenya Shillings thirty thousand only or to imprisonment to a term not exceeding six months or to both such fine and imprisonment.

43. Notwithstanding any other provision in this Act the Committee through any of its authorized officers or employees, is hereby authorized to cause moveable signs to be posted on or near a road to indicate 'No Parking', or "Street Maintenance" and when so posted such signs shall take precedence over all other traffic control devices.

No Parking' and Street light maintenance

44. Any vehicle parked contrary to this act may be towed away by the County at the owner's expense.

Towing away of vehicles

45. (1) No person shall park a vehicle on any alley unless a traffic control device otherwise permits, except for the following purposes—

Parking alleys

- (a) the loading or offloading of goods from a commercial vehicle for a reasonable period;
- (b) the loading or unloading of goods or passengers from a vehicle other than a commercial vehicle for a reasonable period.

(2) Notwithstanding subsection (1) above, no person, while loading or unloading passengers or goods, shall park in such a manner as may obstruct the passage of other vehicles along the alley.

46. No person shall park a vehicle or permit a vehicle to be parked on private property without the permission or authorization of the owner of the private property or a person having lawful possession or control of the private property.

Parking on private property

47. No person shall park or permit to be parked, any trailer upon any public road unless the said trailer is attached to a vehicle by which it may be propelled or drawn and when so attached, the trailer shall be deemed part of the vehicle and subject to the provisions pertaining to vehicles.

Parking on trailers upon public road

48. No person shall park or permit to be parked a vehicle that is not a taxi cab, in an area posted as a taxi zone.

Parking on taxi zone

49. (1) The operator of a taxicab, except when answering a call, shall not park the taxi cab upon any roadway other than within a taxi zone, unless such taxicab is displaying a "Not for Hire" sign and the operator is out of the taxicab.

Parking a taxi cab within a taxi zone 'Not for hire' sign

(2) Nothing in this part shall be construed as to allow parking contrary to any other provision of this Act.

50. Notwithstanding the establishment of a taxi zone on a roadway, the operator of a taxi cab stopping or parking in such a zone shall comply with the requirements of this Act.

Compliance of this Act by taxicabs

51. When parking a vehicle on a roadway, a person may only park a vehicle—

Parallel parking

- (a) with the sides of the vehicle parallel to the curb or edge of the roadway, and the right wheels of the vehicle not more than five hundred (500) millimeters from the right curb or edge of the roadway; or
- (b) in the case of a one-way highway where parking on either side is permitted, with the sides of the vehicle parallel to the curb or edge of the roadway, the wheels that are the closest to a curb or edge of the road way not more than five hundred (500) millimeters from that curb or edge, and the vehicle facing in the direction of travel authorized for the highway.

52. When a sign indicates that angle parking is permitted or required, and no parking guidelines are visible on the roadway—

Angle parking where no parking guidelines are visible

- (a) a person may only park a vehicle with the vehicles sides at an angle of between thirty (30) and sixty (60) degrees to the curb or edge of the roadway;
- (b) in the case of a vehicle other than a motorcycle, with the nearest wheel not more than five hundred (500) millimeters from the curb or edge of the roadway; or
- (c) in the case of, a motorcycle, with the nearest wheel of the motorcycle not more than five hundred (500) millimeters from the curb or edge of the roadway, and the motorcycle angled adjacent to the lane on which the motorcycle is parked.

PART VI—SAFE AND ADEQUATE SERVICE, JUST AND REASONABLE CHARGES

53. Every corporation, person, or public service providers performing a transport service in the county shall furnish, with respect thereto, such service and facilities as shall be safe and adequate and in all respects just and reasonable.

Safe and adequate service;

(2) All charges made or demanded by any such corporation, person or transport service provider for the transportation of passengers or property or for any service rendered or to be rendered in connection therewith shall be just and reasonable and not more than allowed by law or by order of the county executive in charge of transport and made as authorized by this Act.

(3) Every unjust or unreasonable charge made or demanded for any such service or transportation of passengers or property or in connection therewith or in excess of that allowed by law or by order of the county executive in charge of transport.

(4) All transport service providers have a general duty to deal reasonably with customers and adequately address customer complaints.

54. Every county transport service provider shall file with the department of transport and shall print and keep open to public inspection schedules showing the rates, fares

Traffic schedule publication

and charges for the transportation of passengers and property within the county between each point upon its route and all other points thereon; and between each point upon its route and all points upon every route leased, operated or controlled by it.

55. (1) Unless the County Executive Committee member in charge of transport, in consultation with the board otherwise orders, no change shall be made in any rate, fare or charge, or joint rate, fare or charge, which shall have been filed and published by a county transport service provider in compliance with this Act, except after thirty days' notice to the director.

Changes in fares and charges

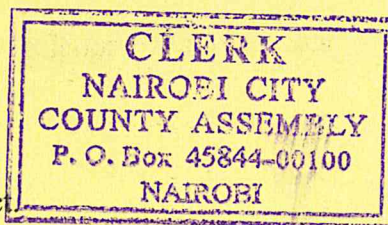
(2) The County Executive Committee member in charge of transport in consultation with the board, for good cause shown, may allow changes in rates without requiring the thirty days' notice and publication herein provided for, by duly filing and publishing in such manner as he may direct an order specifying the change so made and the time when it shall take effect; all such changes shall be immediately indicated upon its schedules by the county transport service provider.

PART VII—GENERAL PROVISIONS

56. The County Executive Committee member may, pursuant to this Act make any further regulations for the administration of this Act including but not limited to regulations relating to—

Power to make further regulations

- (a) operation of Public Service Vehicles and motorcycle taxis within the County;
- (b) loading zones;
- (c) designated parking zones for public service vehicles, motor cycle taxis and private vehicles
- (d) public service vehicle termini.
- (e) regulation of Taxi- cabs.
- (f) regulation of Motor cycles.
- (g) regulation of Bicycles.
- (h) regulation of Tri-cycles.
- (i) parking fees chargeable under this Act.



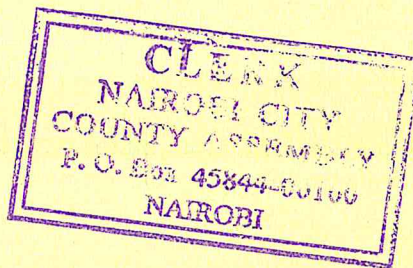
- (j) fines payable for contravening the provisions of this Act.

57. This Act repeals all County by-laws related to public transport vehicles. Repeal of laws

58. (1) A person is guilty of an offence if they— Offences

- (a) willfully damage a public transport facility;
- (b) a county authorized officer, knowingly refuses to enforce the provisions of this Act;
- (c) operate a public service vehicle within the central business district;
- (d) for the purpose of obtaining passengers for any public service vehicle, make any noise or sound any instrument, or do anything which causes or is likely to cause annoyance, inconvenience or danger to the public.;
- (e) operate a human drawn cart within the central business district; and
- (f) publicly graze and herd cattle on county roads

(2) Upon conviction of an offence under sub-section (1), a person is liable to a fine not exceeding five hundred thousand shillings or to imprisonment for a term not exceeding six months, or to both.



SCHEDULE ONE
PROVISIONS RELATING TO THE CONDUCT OF
THE BUSINESS AND AFFAIRS OF THE BOARD

1. (1) The Committee shall meet at least once every month and at such times and places, and shall observe such procedure in regard to the transaction of business at its meetings (including the quorum at such meetings) as may be specified by regulations.

(2) The meetings of the Committee shall be convened by the Chairperson or in the absence of the Chairperson, by a member designated by the chairperson and shall be convened at such times as may be necessary for the discharge of the Committee's functions.

(3) In the absence of the Chairperson, the vice chairperson or in his absence any other member delegated by the Chairperson shall convene and preside over committee meetings.

(4) The chairperson or in the absence of the chairperson, the vice chairperson shall, within one month of receipt of a written application of at least three members, convene a special meeting. Unless the majority of the total membership of the otherwise agree, at least seven days' written notice of every meeting of the Committee shall be given to every member of the Committee.

Quorum

2. The quorum of a meeting of the Committee shall be three members.

Voting

3. A decision of the Committee shall be by a simple majority of the members present and voting and, in the case of an equality of votes, the person presiding at the meeting shall have a second or casting vote.

Minutes

4. Minutes of all meetings shall be kept and entered in the records kept for that purpose.

Disclosure of Interest

5. (1) If a member is present at a meeting of the Committee at which any matter is the subject of

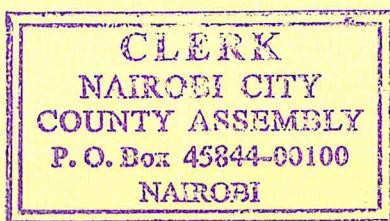
consideration and in which matter that person or that directly or indirectly interested in a private capacity, that person shall as soon as is practicable after commencement of the meeting, declare such interest.

(2) The person making the disclosure of interest under subsection (1) shall not, unless the Committee otherwise directs by a majority, take part in any consideration or discussion of, or vote on any question touching on the matter.

(3) A disclosure of interest made under subsection (1) shall be recorded in the minutes of the meeting at which it is made.

(4) A person who contravenes subsection (1) commits an offence and upon conviction is liable to a fine not exceeding five hundred thousand shillings or to imprisonment for a term not exceeding seven years or to both fine and imprisonment.

(5) A member or employee of the county government shall not transact any business or trade with the Committee.



MEMORANDUM OF OBJECTS AND REASONS

The principal purpose and objectives of this Bill is to provide for establishment of the county department of transport, county traffic marshals, to provide for matters relating to traffic, parking, county roads, street lighting, public road transport and for connected purposes.

The structure of the Bill is as follows:

Part I of the Bill provides for preliminary matters including the short title to the Bill, the interpretation of words and expressions used in the Bill, the objects, purpose and application of the Bill.

Part II of the Bill deals with Public road transport and street lighting and county roads, providing for basic issues of road transport generally, rights and obligations of passengers in public transport vehicles, pedestrians, prohibited actions, obstruction, prohibition of use of communication gargets while driving ,street lighting, and there maintenance.

Part III of the Bill makes provisions for parking and specifically makes provision for parking on public roads, prohibited parking areas, parking on private properly, towing of vehicles, styles of parking, parking for taxis and other vehicles.

Part IV of the Bill provides for safe and adequate service, just and reasonable charges and traffic schedules and publication.

Part V of the Bill provides for the establishment of the public transport and management board and stipulates its composition, function and powers.

Part VI of the Bill contains general provisions and provides power to make Regulations and repeal of the bylaws.

The enactment of this Bill will occasion significant expenditure of public funds which will be provided for in the county budget.

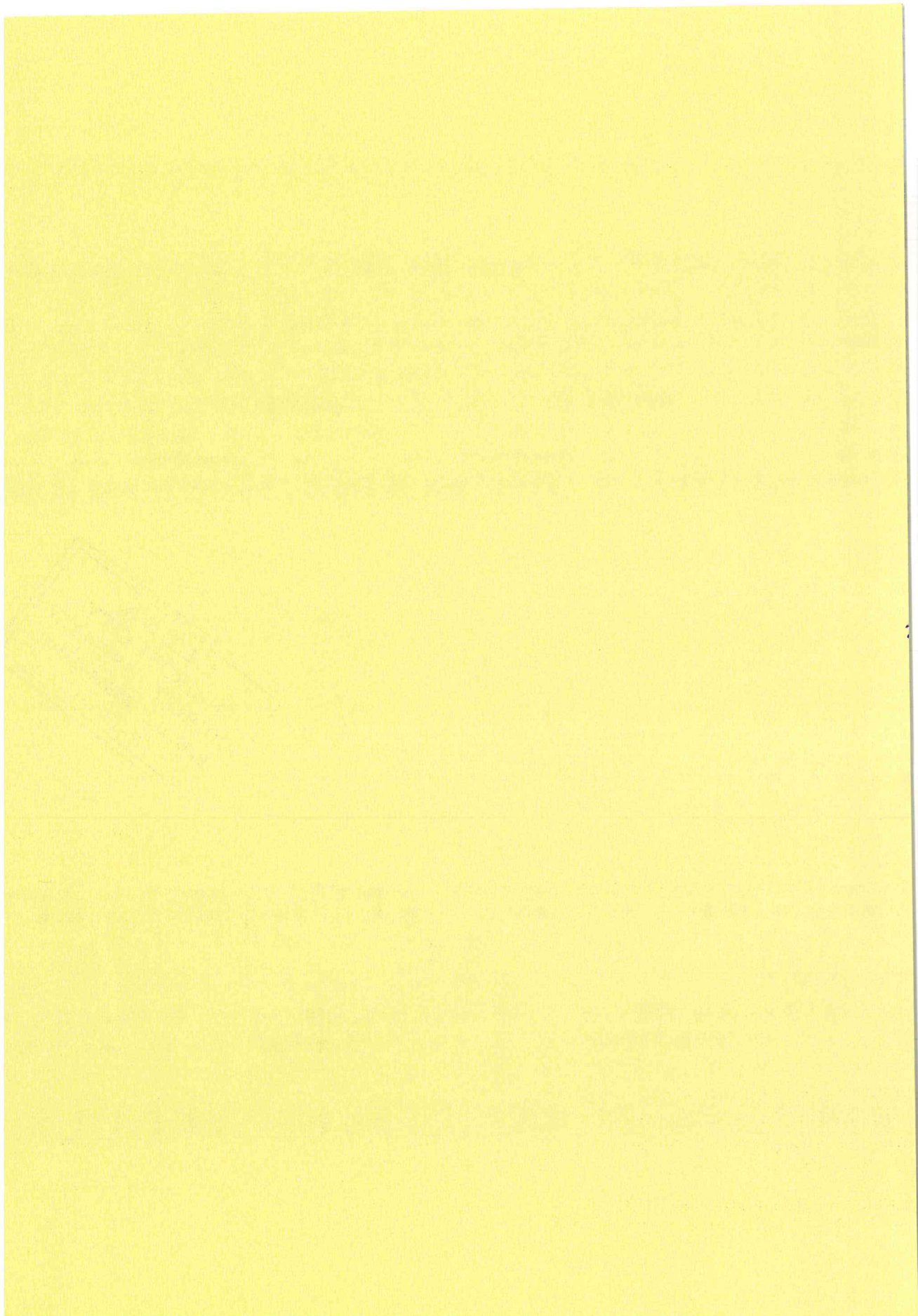
Statement on Delegated Powers to Legislate

The Executive Committee member responsible for Transport is empowered to make necessary regulations for the better functioning of various provisions of the Act.

Statement that the Bill is not a money Bill within the meaning of Article 114 of the Constitution

This Bill is not a money Bill within the meaning of Article 114 of the Constitution of Kenya 2010.

OSMAN IBRAHIM ADOW,
Member of County Assembly.



CLERK
NAIROBI CITY
COUNTY ASSEMBLY
P. O. BOX 45844-00100
NAIROBI