

SPECIAL ISSUE

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REPUBLIC OF KENYA

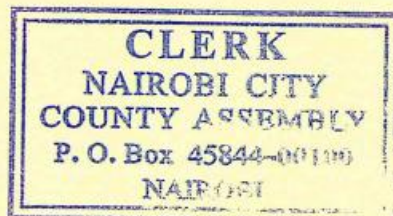
**NAIROBI CITY COUNTY GAZETTE
SUPPLEMENT**

BILLS, 2017

NAIROBI, 20th February, 2017

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**THE NAIROBI CITY COUNTY PUBLIC ROAD TRANSPORT
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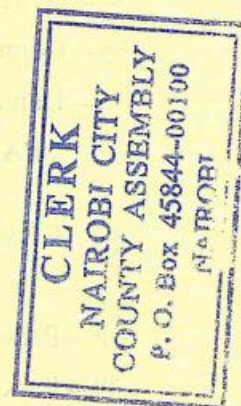
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**THE NAIROBI CITY COUNTY PUBLIC ROAD TRANSPORT
AND TRAFFIC MANAGEMENT BILL, 2017**

A Bill for

AN ACT of the County Assembly of Nairobi City to establish and provide for matters relating county roads, street lighting, traffic and parking, public road transport, and creation and competencies of public road transport and management board and county traffic marshals.

ENACTED by the County Assembly of Nairobi City as follows

PART I—PRELIMINARY

Short title

1. This Act may be cited as the 'Nairobi City County Public Transport and Traffic Management Act, 2017.

Interpretation

2. In this Act—

"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;

'County executive member" means the county committee executive member in charge of Transport;

'County Roads" means all other roads except those marked as National Roads in the 2nd schedule of the Kenya Roads Act;

"Committee" means the Public Road Transport and Management Committee established under section V 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;

"hovercraft" means a vehicle which is designed to be supported when in motion wholly or partly by air expelled from the vehicle to form a cushion of which the boundaries include the ground, water or other surface beneath the vehicle;

"motor vehicle" includes a vehicle, bike, machine, 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 or car operated exclusively on a rail, rails or track;

"owner" when used in relation to goods includes any consignor, consignee, shipper or agent for the sale, receipt, custody, loading or unloading and clearance of those goods and includes any other person in charge of the goods and his agent in relation thereto; and when used in relation to a vessel includes any part owner, broker, charterer, agent or mortgagee in possession of the vessel or other person or persons entitled for the time being to possession of the vessel;

"permit" means operating authority issued under this Act;

"person" includes an individual, firm, partnership, association or corporation;

"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.

"vehicle" means a device designed or adapted mainly to travel on wheels or crawler tracks and includes such a device which is connected with a draw bar to a breakdown vehicle and is used as part of the towing equipment of, a breakdown vehicle to support any axle or all the axles of a motor vehicle which is being salvaged other than such a device which moves solely on rails;

"trailer" means any vehicle designed to be drawn by a motor vehicle, but does not include a sidecar attached to a motor cycle;

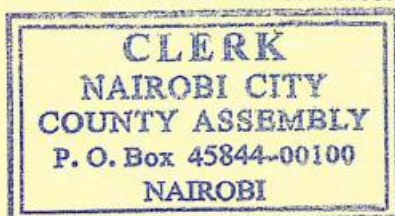
Object and Purpose

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

- (a) provide for adequate, safe and efficient county transport facilities and services at a reasonable cost to the people;
- (b) facilitate the management, planning and development of county transport facilities and transport infrastructure ;
- (c) give effect to, and effect a balanced transport policy and planning.

Application

4. (1) This Act applies to County Roads and County Transport, infrastructure and services.



PART II—PUBLIC ROAD TRANSPORT AND MANAGEMENT COMMITTEE

Establishment of the public road transport and management committee

5. (1) There is established a committee to be known as “the Public Road Transport and Traffic Management committee” to exercise the powers conferred on it and to perform the functions assigned to it under this Act.

Composition of the Committee

6. The Committee shall consist of a Chairperson, and four other Members seconded from other departments within the county government and appointed by the Governor upon verification and approval by the county assembly, *ad hoc*.

(1) The Chairperson shall be a person with ability, integrity and outstanding calibre who has adequate knowledge and, professional experience in administration and road transport.

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

(3) The 4 referred in sub-section (1) 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. research, finance or administration;
- e. traffic management, road user behavior strategies or road safety education

Powers and functions of the Committee

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

- (a) issue operating permit to public service vehicles within the county roads;
- (b) conduct motor vehicle inspection within the public service vehicles yards envisioned in section.
- (c) Advise the county government on county road and rail transport policies with regard to road transport safety and management
- (d) Conduct research and audits on county road safety;

- (e) Prepare and submit to the county executive committee member in charge of transport, such reports as envisioned in Section 7 (d).
- (f) Advise on matters affecting the road transport system within the county.

Road transport and management subcommittee

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

(2) The committee may co-op 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 subcommittee

(3) The Chairperson or any other Member, upon ceasing to hold office as such, shall not accept any commercial employment for a period of one year from the date he ceases to hold such office.

Conditions for Issuance of Permits

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

- (a) The public service in respect for which the permit is issued is maintained in a fit and serviceable condition.
- (b) The motor vehicle in respect for which the permit is sought has complied to the provisions of this Act and other related laws and regulations.
- (c) For motor vehicles belonging to SACCOs, that they submit a certificate of inspection of SACCOs yards.
- (d) For motor vehicles belonging to a SACCO, that they submit a commitment note indicating that they will abide by all the traffic rules within the city.

Discretion to refuse to issuance of permits

10. (1) The committee shall reserve 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.

(2) In exercising its discretion in Section 9 (1), the committee shall have regard to the public to the public good as well as the individual interests of those seeking the permits.

Duration of the Permit

11. (1) Every permit applied for and granted shall be in force for 12 months from the date of its issue.

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

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

Power to Revoke a Permit

12. (1) The committee may revoke or suspend a permit to operate issued under this Act where:

- (a) The public service vehicle or SACCO fails to operate the vehicle with respect to which the permit was issued after period of 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 75 per cent of the route users and duly submitted to the committee.
- (e) The committee shall inform the permittee in writing, the reasons for such revocation or suspension.
- (f) Where such a revocation or suspension is effected, the public service vehicle or SACCO shall cease to be a permitted public service vehicle or SACCO under this Act.

Appeals Against the Decision of the Committee

13. (1) A person or Persons who—

- (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) Already permitted but 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

Procedure and Conduct of Meeting

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

Seniority of Members

15. Provided that in the case of common date of appointment of Members, the Member senior in age shall be considered as senior to the other Members.

- (1) 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.
- (2) 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.
- (3) 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 Board; or
 - b) any defect in the appointment of a person acting as a Member of the Board; or
 - c) any irregularity in the procedure of the Board not affecting the merits of the case.

Protection from Liability

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.

(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.

Appeals Board

17. (1) The county executive committee member in charge of transport shall constitute, an *ad hoc* board known as 'Appeals Board'.

(2) The constitution of the appeals board shall include a maximum of seven and a minimum of five persons nominated from the various county government departments including transport, industry, 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 be constituted by a minimum number of 4 members and the decisions taken shall be deemed to be binding and final.

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

Right of entry

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

- (a) enter a public transport service facility and inspect the facility; and
- (b) make enquiries from a person connected with such facility.

Operating license

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

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

Preventing engagement of a public transport vehicle

20. No person shall through use of force, intimidation, 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.

Conveying dangerous or offensive articles in public transport vehicles

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, whether or not the public Transport vehicle has been engaged, 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 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.

Boarding and disembarking of public transport vehicle

22. (1) No person may board a public transport vehicle until all persons desiring to disembark from such vehicle have done so.

(2) No person may board a public transport vehicle where the number of passengers would be in excess of the total number of passengers which it is authorized to carry.

(3) No person may board or alight or attempt to board or disembark from any public transport vehicle whilst such vehicle is in motion.

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

Queuing at public transport facilities

23. (1) The board may 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;

(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 that such public transport vehicle will leave;

(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;

(4) A passenger may only enter a public transport vehicle when he or she gets to the front of the queue;

(5) Every passenger queuing must comply with all the instructions given by the public transport conductor, authorized officer or authorized official when on duty provided by they are in compliance with this Act and other related laws.

Paying of fares

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

(2) The fare to be paid shall not exceed the amount displayed on the vehicle according to the Public Service vehicle Act.

(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 must, 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.

Rights and obligations of passengers when a public transport becomes defective

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

(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.

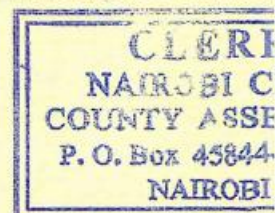
(3) A driver or owner or operator who refuses to refund a passenger, as contemplated in subsection (1), or who refuses to allow a passenger to travel in the manner as contemplated in subsection (2) commits an offence.

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

Actions prohibited on a public transport vehicle

26. The following actions are prohibited on a public transport vehicle when passengers are on board—

- a) smoking;
- b) playing offensive or excessively loud music;
- c) using obscene or offensive language;
- d) committing an offensive act
- e) interfering with the comfort of any passenger;



- f) damaging anything and interfering with the equipment of the public transport vehicle in any way;
- g) forcibly causing the driver to deviate from his route;
- h) endangering the life of another passenger;
- i) Interfering with the actions of the driver.
- j) showing or displaying any pornographic material;
- k) Or any other actions prohibited by any other law.

(2) Any person who contravenes sub-section (1) commits an offence and is liable to a fine not exceeding fifty thousand or to a imprisonment for a term not exceeding six months.

Property left in transport vehicle

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

- 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, as soon as possible, to the lost property office of his or her employer or to the nearest police station and de-posit it with the officer on duty and obtain a receipt for it.

Buses of the same company or SACCO

28. (1) Only buses of the same company or SACCO shall ply the same route.

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

(3) Operators of the 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 complaints office and the phone number of the company 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 their rules and regulations governing their operations and management within the county roads before being permitted to operate in county roads.

(7) The rules and regulations contemplated in section 23 (5) shall be subject to approval of the county executive committee member in charge of transport.

(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.

Use of Motor Cycle Taxis (Boda-Boda)

29. (1) To be permitted to operate within any county route within the city, the following shall be observed—

1. Shall belong to a SACCO of at least one hundred (100) motor bikes.
2. Each SACCO shall be permitted to operate within one route only.
3. Every public service motorcycle shall operate with a 3rd party insurance cover.
4. 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.
5. Every public service motorcycle shall carry only one passenger who shall sit astride except persons living with disabilities (PWD).
6. All passengers shall wear a reflective jacket and helmet provided to be provided by rider.

Obstruction and disruption of traffic

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

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

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

Crossing by Pedestrians

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.

(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.

Use of hooter

32. (1) No person shall on a public road use the sounding device 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.

Prohibition on use of communication device while driving

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 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 must, 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.

General penalty

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

Street lights and Maintenance

35. (1) The County Government shall install 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.

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

Damage to the Street light

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

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

PART IV—COUNTY TRAFFIC MARSHALS

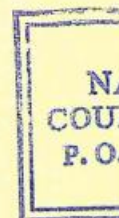
Establishment of Traffic Marshals Department

Establishment and Powers of County Traffic Marshals

37. (1) There is established the Nairobi Traffic Marshals in the county.

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

- a) Arrest traffic offenders who have contravened 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.

PART V—PARKING ON COUNTY PUBLIC ROADS

Parking on Public Road

38. 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 Fee

39. (1) Parking shall be at strictly in areas designated as such at a parking fee as shall be announced by the county government for different areas within the county government.

(2) None payment of parking fees shall attract clamping and/towing to the marshal headquarters at a fee as shall be announced by the county government

Prohibited parking areas

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

- (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.

Actions prohibited on parking alleys

41. (1) The following actions are prohibited

- (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) Signaling, guiding or directing a driver of a vehicle into or out of a parking place
- (d) Taking payments from drivers or owners of parked vehicles

(2) Anyone who contravenes this section commits an offence and will be liable to a fine of Kenya Shillings, ten thousand only.

No Parking' and Street light maintenance

42. Notwithstanding any other provision in this Act the board 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.

Towing away of vehicles

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

Parking alleys

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

- (a) the loading or unloading 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.

Parking on private property

45. 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 trailers upon public road

46. 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 taxi zone

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

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

48. (1) The operator of a taxicab, except when answering a call, shall not park the taxicab 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.

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

Compliance of this Act by taxicabs

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

Parallel parking

50. When parking a vehicle on a roadway, a person may only park a vehicle-

- (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.

Angel parking where no parking guidelines are visible

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

- (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

Safe and adequate service; just and reasonable charges

52. 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.

(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.

Traffic schedule publication

53. 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 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.

Changes in fares and charges

54. (1) Unless the county executive 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.

(2) the county executive in charge of transport with 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

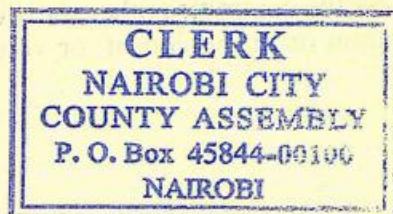
Power to make further regulations

55. The Executive committee member in consultation with the director of the department may pursuant to this Act make any further regulations for the administration of this Act including but not limited to regulations relating to—

- (a) Matatu termini.
- (b) Taxi- cabs.
- (c) Motor cycles.
- (d) bicycles.
- (e) tri-cycles.

Repeal of laws

56. This Act repeals, all by-laws in the county before the coming into effect of this Act.



SCHEDULE ONE

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

1. (1) The Board shall meet at least once in 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) Meetings shall be convened by the Chairperson and shall be held at such times and such places as the chairperson shall determine.

(3) The Chairperson or, if he is unable to attend a meeting of the Board, the senior-most Member present, reckoned from the date of appointment to the Board shall preside at such meeting

(4) The chairperson may at any time convene a special meeting of the board and shall do so within one month of the receipt by the Chairperson of a written request signed by at least three other members.

(5) Unless three members otherwise agree, at least seven days' notice of meetings shall be given to every member.

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

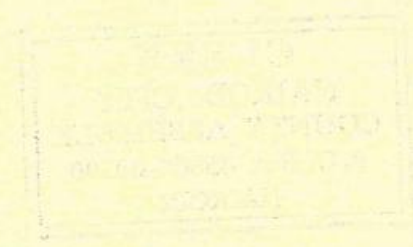
5. (1) If a person is present at a meeting of the committee at which any matter is the subject of consideration and in which matter that person or that directly or indirectly interested in a private capacity, that person shall as soon as is practicable after commencement of the meeting, declare such 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 gadgets 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 property, 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.

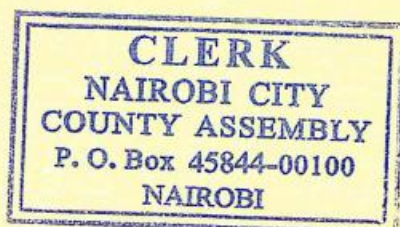
Statement on Delegated Powers to Legislate

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.

Dated the Xth, 2017.



OSMAN IBRAHIM ADOW,
Member of County Assembly.

