

GOVERNMENT OF NAIROBI CITY COUNTY



THE NAIROBI CITY COUNTY ASSEMBLY

OFFICE OF THE CLERK

THIRD ASSEMBLY

(SECOND SESSION)

NCCA/TJ/PL/2023(63)

9TH AUGUST 2023

PAPER LAID

SUBJECT: REPORT OF COMMITTEE

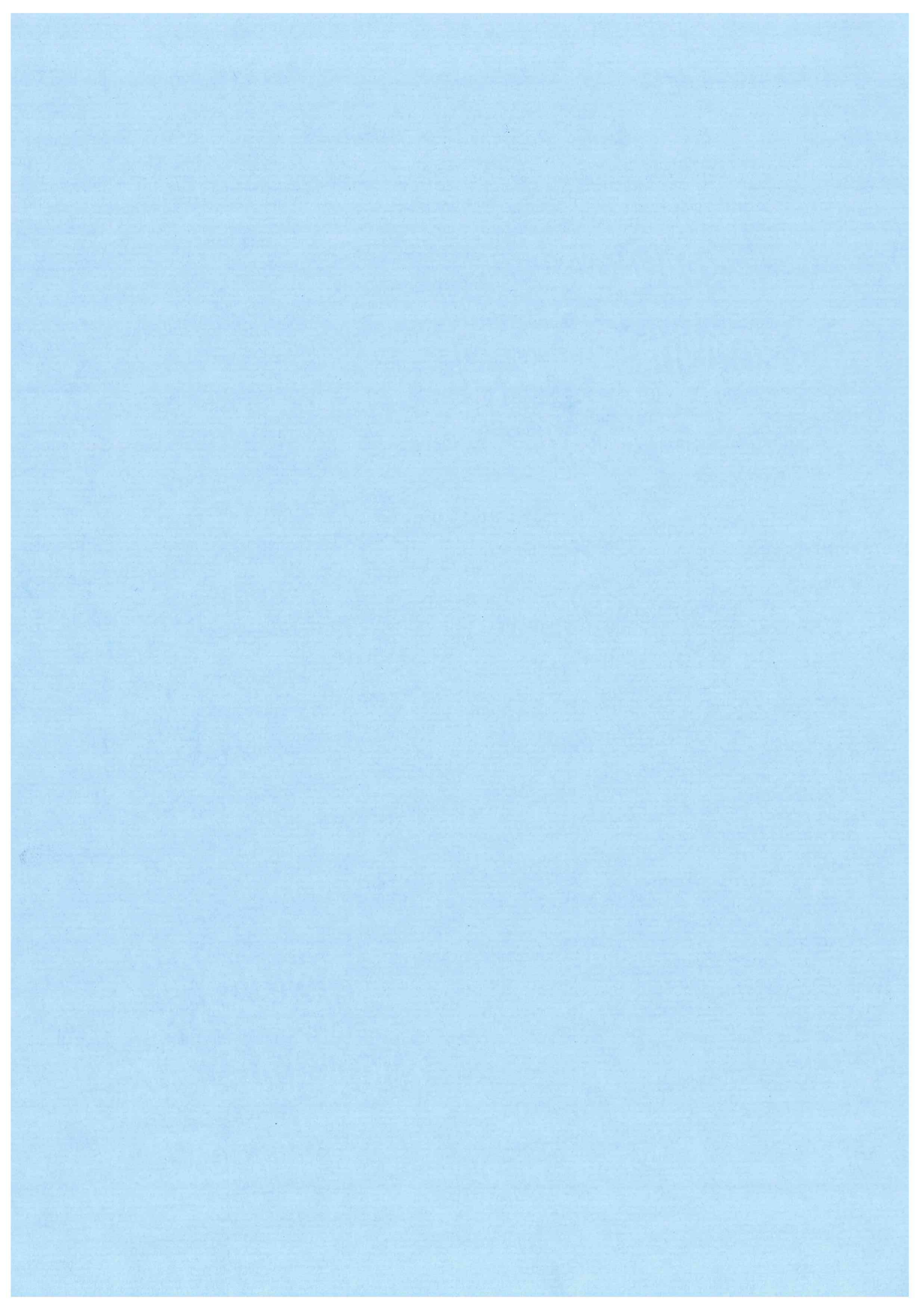
Pursuant to Standing Order 196, I beg to lay the following Paper on the Table of this Assembly, today Wednesday 9th August 2023.

— THE REPORT OF THE SECTORAL COMMITTEE ON TRANSPORT AND PUBLIC WORKS ON PETITION PRESENTED BY HON. MARK MUGAMBI, MCA ON BEHALF OF ONLINE TAXI DRIVERS ASSOCIATIONS.

(Chairperson, Sectoral Committee on Transport and Public Works)

Copies to:
The Speaker
The Clerk
Hansard Editor
Hansard Reporters
The Press

Papers laid by the
Chairperson, Transport and Public
Works on 9th Aug 2023
[Signature]



GOVERNMENT OF NAIROBI CITY COUNTY



THE NAIROBI CITY COUNTY ASSEMBLY

OFFICE OF THE CLERK

THIRD ASSEMBLY

(SECOND SESSION)



NCCA/TJ/PL/2023(63)

26TH JULY 2023

PAPER LAID

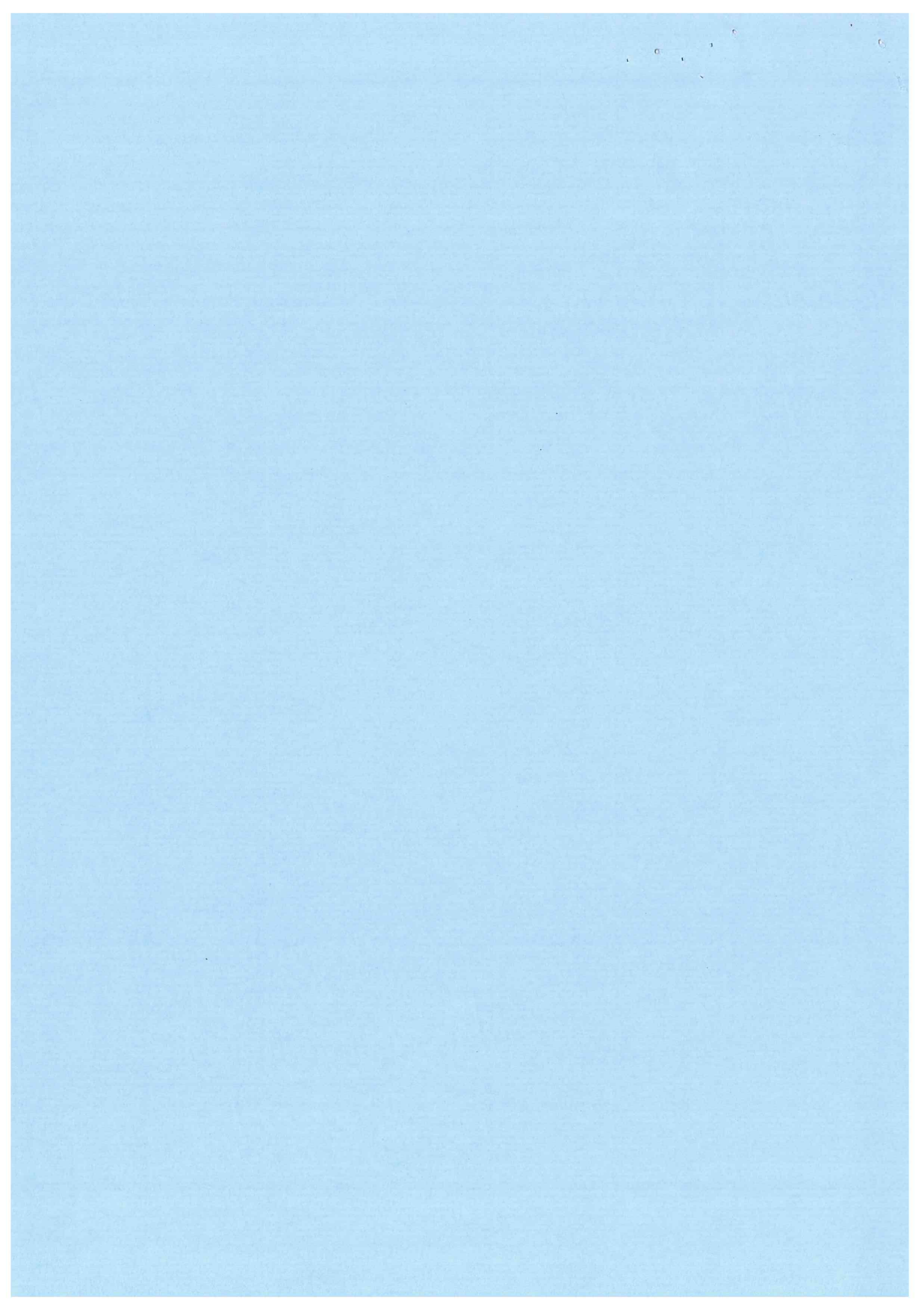
SUBJECT: REPORT OF COMMITTEE

Pursuant to Standing Order 196, I beg to lay the following Paper on the Table of this Assembly, today Wednesday 26th July 2023.

— THE REPORT OF THE SECTORAL COMMITTEE ON TRANSPORT AND PUBLIC WORKS ON PETITION PRESENTED BY HON. MARK MUGAMBI, MCA ON BEHALF OF ONLINE TAXI DRIVERS ASSOCIATIONS.

(Chairperson, Sectoral Committee on Transport and Public Works)

Copies to:
The Speaker
The Clerk
Hansard Editor
Hansard Reporters
The Press



COUNTY GOVERNMENT OF NAIROBI CITY



NAIROBI CITY COUNTY ASSEMBLY
THIRD ASSEMBLY-SECOND SESSION

REPORT

OF THE SECTORAL COMMITTEE ON
TRANSPORT AND PUBLIC WORKS
ON

THE PETITION PRESENTED BY HON. MARK MUGAMBI, MCA ON
BEHALF OF ONLINE TAXIS DRIVERS ASSOCIATIONS

*Paper laid on the Table of
the Assembly on 9th Aug 2023
by the Chairperson, Transport
and Public Works -
AM 9/8/23*

Clerk's Chambers
City Hall Buildings
NAIROBI

JUNE, 2023

BACKGROUND INFORMATION

Introduction

On 6th December 2022, Hon. Mark Mugambi, MCA presented a Petition to the Assembly on behalf of Association of Online Taxis Drivers and the same referred to the Sectoral Committee on Transport and Public Works by the Hon. Speaker for consideration and reporting.

The Committee held meetings with the representatives of the Online Taxis on 7th March 2023 and the County Executive Member on 25th March 2023 in order to deliberate on the matter and find a way forward.

MEMBERSHIP OF COMMITTEE

The Sectoral Committee on Transport and Public Works comprises the following members:

1. Hon. Musango Maithya, MCA - Chairperson
2. Hon. Lawrence Otieno Odhiambo, MCA - Vice-Chairperson
3. Hon. Shadrack Machanje Namuyu, MCA
4. Hon. Paul Muiruri Kiguathi Kados, MCA
5. Hon. Nicholas Juma Okwacho, MCA
6. Hon. David Magoba Odhiambo, MCA
7. Hon. Rosemary Masitsa Shitote, MCA
8. Hon. Maurice Ochieng Onyango, MCA
9. Hon. Stephen Ndegwa Gitau, MCA
10. Hon. Absalom Odhiambo Onyango, MCA
11. Hon. Kennedy Swaka, MCA
12. Hon. John Ndile Musila, MCA
13. Hon. Scolastica Muthoni Mande, MCA
14. Hon. Mark Mugambi Macharia Kevin, MCA
15. Hon. Sam Kanyi Kago, MCA
16. Hon. John Mwaniki Kwenya, MCA
17. Hon Paul Mathu Njambi, MCA
18. Hon Aaron Kangara Wangare, MCA
19. Hon Farhiya Daud Aden, MCA

20. Hon. Beatrice Wandai Khungwa, MCA
21. Hon Sospeter Gathahu Mumbi, MCA
22. Hon Fredrick Njoroge Njogu, MCA
23. Hon James Kariuki, MCA

ACKNOWLEDGEMENT

The Sectoral Committee on Transport and Public Works wishes to thank the offices of the Speaker and the Clerk of the Nairobi City County Assembly for the support extended to it in the conduct of this site inspection visit.

Further, the Committee is thankful to the Secretariat for their contributions during and after the visit and compilation of this report.

Finally, I wish to convey my gratitude to the Members of the Committee for their commitment during the investigation process that led to the conclusive compilation of this report.

Hon. Members,

On behalf of the Members of Sectoral committee on Transport and Public Works, it is my pleasant duty and privilege, to present the Committee's Report on the Petition presented by Hon. Mark Mugambi, MCA on behalf of Association of Online taxis Drivers.

SIGN.....

DATE.....7.6.2023.....

THE HON. MUSANGO MAITHYA, MCA
THE CHAIRPERSON.

1.0 PREAMBLE

The Committee having received the Petition by Hon. Mark Mugambi, MCA on behalf of the Online Taxi Drivers, considered the Petition and resolved that the representatives of the online Taxi Drivers and the County Executive Committee Member for Mobility and Works be invited to the Committee in order to conclusively deal with the issues in the Petition. The objective of the meetings was to enable the Taxi drivers explain to the Committee their concerns, challenges and prayers and to allow the County Executive Committee Member ascertain whether the prayers presented by the Petitioners were tenable.

1.1 FINDINGS OF THE COMMITTEE

1.1.1 The Petition

In their Petition, the Petitioners observed as follows:

- i. That Article 185 of the constitution of Kenya 2010 vests the legislative authority and oversight of the County governments in the County Assembly; and Section 88 of the County Governments Act, 2012 entitles the citizens the rights to petition the County Government on any matter that is within the scope of their mandates and;
- ii. That Part 2 of the Second Schedule of the Constitution confers the traffic and parking function to the County Governments; and Article 46 provides that consumers have a right to goods and services of reasonable quality and have a right to protection of their health, safety and economic interests;
- iii. That Section 27 of the Nairobi City County Transport Act, 2020 prohibits public transport vehicles from picking and dropping passengers at undesignated bus stops; and Section 46 and 47 of the Act further prohibits persons from parking on public roads in a manner that impedes traffic flow and strictly restricts parking to designated areas; the Sections particularly prohibits PSVs using undesignated areas as parking prior to obtaining authority from the County;

- iv. That whereas the County Government has designated parking slots within the CBD for *matatus* and stationery taxis, online taxis that provide equally important services lack authorized and designated slots to pick and drop off passengers;
- v. That whereas the County having yet to designate passenger picking and dropping points for online drivers, the County enforcement officers impounds these online taxis and arrests the drivers whenever they are providing services to clients working in the CBD; hence, these drivers keep in motion around CBD roads in fear of arrest;
- vi. That whereas these online drivers are compliant with all other pre-requisite license requirements for the provision of these services; efforts to address this matter with the relevant Sector of the County Executive have not been fruitful; and that, all the matters in respect of which the petition is raised are not pending before any court of law or constitutional body.

In view of the foregoing, the Petitioners requested the County Assembly to intervene in the matter by:

- i. Requiring upon the County Executive to map out and re-organize taxi parking bays in the CBD and issue a public notice communicating designated taxi bays in the CBD in view of designating and permitting regulated access to selected pick and drop off slots for the online taxis; and
- ii. Requiring upon the County Executive Mobility and Works Sector to expedite the formulation of regulations pursuant to Section 68 (1) (f) of the Nairobi City County Transport Act, 2020 to provide for regulation of the operations; licensing; pick and dropping off and driver organization for both hail and online taxis in the County.

1.1.2 Submissions by the Petitioners

On 7th March 2023, the Committee held a meeting in the Assembly's Committee Room 5 and was attended by representatives for the following taxi companies:

- 1) Association of Online Taxis;
- 2) Ridehail Taxis;
- 3) Mtandao;

- 4) Digital Taxis; and
- 5) Online Bodaboda Association

In their submissions, the representatives reiterated the challenges that their members go through in the quest to provide services to passengers more so in the Central Business District. They informed the Committee that the services they provide are as essential as any other services and they needed to be treated fairly by the County Government. The Committee was informed that whenever they receive a request from clients within the CBD, they face arrest by County Askaris who accuse the drivers of operating illegally and their cars get impounded and towed away. They alleged that they often have to pay hefty unaccounted charges to the County Enforcement officers to get their cars back. In this way, they stated that the County does not get any revenues.

In addition, they raised the following other issues:

- i. Lack of proper licensing structures for Network Taxi Companies (NTCs);
- ii. Privacy of Drivers' data when submitted to App Companies;
- iii. The license fee too high at Ksh. 7,000 be reviewed downward to Ksh. 3,000;
- iv. *Bodabodas* not allowed in the CBD affecting the rating the driver and association by dropping passengers far from their destinations;
- v. Need for a law to require proper identification system for the various companies;
- vi. Need for designated picking and dropping slots for online *bodabodas* operators;
- vii. Need for a joint effort to weed out criminals from the industry;
- viii. Enforcement officers to be in uniform with proper County identification; and
- ix. Enhance compliance with laws in both CBD and out of CBD operators.

The Committee deliberated on the matter and proposed the following as the way forward:

- i. There was a urgent need for a legislation to regulate the industry; this could be through a new Bill or regulations on the Nairobi City County Transport Act, 2020;

- ii. That the Committee to hold a meeting with the Chief Officer for Security and Compliance regarding the harassment and lack of identification claims on County Askaris;
- iii. That the “*pick or drop on the go*” approach be adopted as the way forward as opposed to designation of pick and drop off slots as the CBD itself is its capacity with operators, parking and loading zones. If adopted, designation could also lead to unnecessary competition for the spaces, obstruction and congestion because of drivers either parking or delaying to leave;
- iv. There is need for all online operators to register and organize themselves in SACCOs for proper data management;
- v. The industry to adopt the system of organization of PSV *matatus* where online taxis are registered in SACCOs and the SACCOs manage the vehicles and the drivers who are in their system;
- vi. The *bodaboda* to organize themselves in SACCOs too and self-regulate to deal with the merging issues of lawlessness and crime within the industry.

The foregoing recommendations notwithstanding, the Committee resolved to hold a meeting with the County Executive Committee Member for Mobility and Works to deliberate on additional proposals on how to address the matter.

1.1.3 Submissions by the County Executive Committee Member

On 25th May 2022, the Committee held a meeting with the two Chief Officers for Mobility and that of Works who appeared on behalf of the County Executive Committee Members to discuss the Petition. At the meeting, the Committee shared with the Officers the Prayers of the Petitioners and their own views on the matter. The Chief Officers submitted as follows:

- i. That indeed there had not been space allocated in the Central Business District for digital taxis since it has been a recent phenomenon in the transport history of the country;
- ii. That there is limited space in the Central Business District to allocate slots for digital taxis. However, the County would make an effort to identify spaces to designate them for operations of digital taxis;

- iii. That once the spaces are identified and marked, the County Executive Committee Member for Mobility and Works will liaise with the Chief Officer for Security and Compliance to update him on the designation and need to have enforcement officers facilitate and control the operations of the taxis in the spaces;
- iv. That the County was in the process of developing Regulations on a number of areas including the operation of digital taxis; and
- v. That to address the issue on high fees as presented during the meeting, the Select Committee on County Finance Budget and Appropriations is best placed to consider the same in view of provision of the Finance Bill, 2023.

1.2 OBSERVATIONS OF THE COMMITTEE

- 1) That the lack of picking and dropping of passenger spaces for digital taxis in the Central Business District presented a major challenge to the drivers since they face arrests for operating illegally while picking and dropping passengers within County parking spaces and roads;
- 2) That the County Enforcement Officers operate within the law in arresting the operators. However, the Committee condemned their approach of demanding bribes from the drivers and enforcing picking and drop off laws without uniform or any form of identification;
- 3) That it was a great inconvenience to passengers to be dropped or picked far away from their destination or pick-up point when they pay in full for the trip; and
- 4) That the drivers need to organize themselves in SACCOs akin to the system adopted by public service vehicles operating in the County where the SACCO is responsible for the allocation of drivers to vehicles. This will ensure that there is data for all the taxis and drivers at any one given point for enforcement, discipline, safety and quality assurance purposes.

1.3 RECOMMENDATIONS

Pursuant to the provisions of Standing Order 196 and taking into account the submissions from the Petitioners and the views of the Sector, the Sectoral Committee on Transport and Public Works recommends that the County Assembly resolves as follows:

- 1) That, the County Executive Committee Member for Mobility and Works designates marks, and gazettes appropriate spaces within the Central Business District (CBD) for picking and dropping of passengers by digital taxis;
- 2) That to avert the risk of congestion and obstruction, the County Executive Committee Member for Mobility and Works to limit the time to be spent at the spaces i.e “pick or drop on the go”;
- 3) That upon designation, marking and gazettelement of the spaces, the County Executive Committee Member for Mobility and Works liaises with the Chief Officer for Security and Compliance to determine how the digital taxis will be operating within the designated spaces without unnecessary harassment;
- 4) That the County Executive Committee Member for Mobility and Works to formulate Regulations for Nairobi City County Transport Act, 2020 to amongst others, regulate operation of digital taxis in the County;
- 5) That digital taxis organize themselves in Companies or SACCOs for ease of enforcement, management, regulation and safety; and
- 6) That the digital taxi drivers consider presenting a memorandum to the County Assembly during public participation on Nairobi City County Finance Bill, 2023 for consideration on their request to have fees charged revised downwards.

MINUTES OF THE SITTING OF THE NAIROBI CITY COUNTY ASSEMBLY SECTORAL COMMITTEE ON TRANSPORT AND PUBLIC WORKS HELD ON 7TH JUNE 2023 AT 10:00 AM AT COMMITTEE ROOM 8, CITY HALL BUILDINGS.

MEMBERS PRESENT:

1. Hon. Musango Maithya, MCA
2. Hon. David Magoba Odhiambo, MCA
3. Hon. Rosemary Masitsa Shitote, MCA
4. Hon. Absalom Odhiambo Onyango, MCA
5. Hon. Kennedy Swaka, MCA
6. Hon. Sam Kanyi Kago, MCA
7. Hon. Beatrice Wandai Ichung'wa, MCA
8. Hon. Scolastica Muthoni Mande, MCA
9. Hon Sospeter Gathahu Mumbi, MCA
10. Hon. Mark Mugambi Macharia Kevin, MCA
11. Hon. Farhiya Daud Aden, MCA
12. Hon. Paul Mathu Njambi, MCA
13. Hon. Fredrick Njoroge Njogu, MCA
14. Hon. Shadrack Machanje Namunyu, MCA
15. Hon Aaron Kangara Wangare, MCA
16. Hon. Stephen Ndegwa Gitau, MCA
17. Hon. Maurice Ochieng Onyango, MCA
18. Hon. John Ndile Musila, MCA

ABSENT

1. Hon. Lawrence Otieno Odhiambo, MCA
2. Hon. Nicholas Juma Okwacho, MCA
3. Hon James Kariuki, MCA
4. Hon. John Mwaniki Kwenya, MCA
5. Hon. Paul Muiruri Kiguathi Kados, MCA

IN ATTENDANCE

- 1) Mr. Alphonse Ouma – Fiscal Analyst

SECRETARIAT

1. Mr. Austin Inyundele - Senior Clerk Assistant

AGENDA

1. Preliminaries (prayers & adoption of the Agenda)
2. Briefing on the Budget Estimates FY 2023/2024
3. Adoption of the Committee's report on Petition by Association of Online Taxis Drivers
4. Consideration and adoption of the Committee's report on Statement requested by Hon. Finifiu Thuo on closure of Thigiri Lane in Karura Ward
5. Any Other Business
6. Adjournment

MIN.072/T&PW/JUNE/2023 – PRELIMINARIES

The Chairperson called the meeting to order at 10.00 a.m and the meeting commenced with a word Hon. Kennedy Swaka, MCA and seconded by Hon. Scholastica Mande, MCA.

MIN.073/T&PW/JUNE/2023 – BRIEFING ON THE BUDGET ESTIMATES FY 2023/2024

The Chairperson informed the Committee that the Budget Estimates were Tabled in the County Assembly and the Committee too and the Fiscal Analyst had been invited to brief the Committee on the contents of the documents. The Chair invited Mr. Alphonse Ouma who informed the Committee as follows:

In line with the approved ceilings in the County Fiscal Strategy Paper, the total County budget is proposed to equal Kshs. 40.7billion out of which Kshs. 28.8billion is meant for recurrent while Kshs. 11.9billion has been earmarked for development initiatives. With these allocations the development budget represents about 29.3% of the overall budget for the coming financial year. Comparing these intended allocations to the revised budget for the FY 2022-23 as contained in supplementary II there is proposed upwards revision of the overall budget by about Kshs. 1.13billion.

On Mobility and Works, the Committee noted that the sectors' mission as contained in the approved CIDP 2023-2027 is to provide and manage quality, equitable and sustained social economic and physical infrastructure services to the residents of Nairobi City County through efficient resource mobilization, utilization and good governance.

The sector has a proposed allocation of Kshs.3.2billion out of which Kshs.1.09 billion will meet recurrent expenditure and Kshs.2.16billion for development projects. The development allocation is approximately 66.3% of the total sector allocation and infer the importance of the sector in infrastructural development. The proposed allocation is a slight reduction by almost Kshs. 100,000 in comparison to the Kshs.3.3billion in revised Supplementary II estimates.

The sector desires to implement the priorities as contained in the approved CIDP 2023-27 and the ADP for FY 2023-24.

The Committee noted that under Works Sub-Sector, the following were the projects under development expenditure:

	project	Implementing section	location	cost
1	Road Maintenance	Roads	City wide	318,693,104
2	Upgrading to Bitumen Standards of drainages and installation of pedestrian walks across Sarang'ombe ward	Roads	Sarang'ombe	20,000,000
3	Upgrading to Bitumen Standards of Ochoka road, Savannah - Kigaliroad, Unity road, Bypass Kayole link and valley road	Roads	Mihang'o	20,000,000
4	Upgrading to Bitumen Standards of of Kiambiu Road.	Roads	Eastleigh South	20,000,000

5	Upgrading to Bitumen Standards of Sosian Gate B-Mvuli 1st Avenue to 9th Avenue	Roads	Lower Savannah	20,000,000
6	Upgrading to Bitumen Standards of DC-Mwembeni-Nyumba Kubwa Gaza Road	Roads	Makina	20,000,000
7	Rehabilitation of feeder road next to Kenya Builder plot10 Taj-Mall-Mashariki-Rehabilitate	Roads	Pipeline	20,000,000
8	Rehabilitation of Millenium Road	Roads	Mountain View	20,000,000
9	Rehabilitation of Sango-Nabuto Loop Road	Roads	Umoja II	20,000,000
10	Rehabilitation of 5th Parklands Road	Roads	Parklands Highridge	20,000,000
11	Repair and renovate drainage in Korogocho mart roads,Maito Njeri,Kamunde and Tumaini roads	Roads	Korogocho	20,000,000
12	Completion of Salim Road, Muthaura Road and Kibue road	Roads	Gatina	20,000,000
13	Upgrading to Bitumen Standards of Gaikuyu Charina Link and Olumbori Roads in Umoja 1 Ward	Roads	Umoja I	48,000,000
14	Completion of Shimo la Tewa Road.	Roads	Laini Saba	20,000,000
15	Rehabilitation of Kwa Reuben Mosque to Gatoto Primary Road	Roads	Kwa Reuben	20,000,000
16	Police Line Road, Completion of Catholic Road, Completion of Deliverance Road	Roads	Mwiki	20,000,000
17	Rehabilitation of Tsavo Lane, Dubois Lane and Keekorok Road	Roads	Nairobi Central	20,000,000
18	Upgrading to Bitumen Standards of Geonam to Promise School Road	Roads	Dandora Area III	20,000,000
19	Rehabilitation of Viwandani Highway Road	Roads	Viwandani	20,000,000
20	Rehabilitation of Marurui Primary School to Wakinyanjui Road in Roysambu Ward	Roads	Roysambu	20,000,000
21	Upgrading to Bitumen Standards of Drumvale – Sir Henry Ring Road in Ruai (Part)	Roads	Ruai	137,000,000
22	Rehabilitation of Construction of market rood/ Gitanga to Gathuru Rd in kawangware ward	Roads	Kawangware	20,000,000
23	Acquisition of engineering soft-wares	Structural	City Hall	5,000,000
24	Acquisition of non-destructive equipment	Structural	City Hall	3,000,000
25	Construction of Nyando Footbridge in Sarangombe Ward	Structural	Sarangombe	17,000,000

26	Construction of Footbridge at Kayaba/ Mandazi in Landi Mawe Ward	Structural	Landi Mawe	17,000,000
27	Construction of Ng'eno Footbridge in Kibra	Structural	Kibra	17,000,000
28	Construction of footbridges at Deep Sea	Structural	Parklands Highridge	17,000,000
29	Construction of Footbridge in Ruai Ward	Structural	Ruai	17,000,000
30	Construction of motorable Migingo Gituamba in Dandora IV Ward	Structural	Dandora IV	50,000,000
31	Construction of motorable in Langata Ward	Structural	Langata	35,000,000
32	Construction of box culvert at Gatuekera in Kibra Ward	Structural	Kibra	25,000,000
33	Maintenance of footbridges	Structural	City wide	20,000,000
34	Maintenance of motorable bridges	Structural	City wide	20,000,000
35	Maintenance of box culverts	Structural	City wide	5,000,000
36	Maintenance of lighting fixtures	Electrical	City Wide	400,000,000
37	Inspection, repair and maintenance of buildings - Procurement of maintenance materials, equipment/vehicles and tools	Building Works	City wide	3,000,000
38	Procurement of equipment and tools for repair and maintenance of buildings	Building Works	City wide	5,000,000
	TOTAL Works			1,539,693,104

The Committee noted that under mobility, the following are the projects to be undertaken:

1	Improvement of Selected Road junctions across the City	Transportation Section	City Wide	50,000,000
2	Transport planning & Data Collection	Transportation Section	City Wide	18,735,000
3	Installation of guardrails along selected city streets	Transportation Section	City Wide	30,000,000
4	Construction of Selected NMT Corridors in the CBD	Transportation	City Wide	150,000,000
5	Construction, rehabilitation and maintenance of public transport facilities at Kahawa West Shopping Center	Transportation	Kahawa West	50,000,000
6	Construction, rehabilitation and maintenance of public transport facilities at Maji Mazuri, Kasarani	Transportation	Kasarani	50,000,000
7	Construction, rehabilitation and maintenance of public transport facilities at Setalite Terminus, Riruta	Transportation	Riruta	50,000,000

8	Construction, rehabilitation and maintenance of public transport facilities at Mutuini	Transportation	Mutuini	50,000,000
9	Pedestrianization and Rehabilitation of Selected Streets in the CBD	Transportation	City Wide	40,000,000
10	Routine maintenance of equipment for Mobility and Works	Mechanical (Automotive Section)	Highways Depot & Central Garage	2,950,000
11	Procurement of motor vehicles for Mobility and Works Sector	Mechanical (Automotive Sec)	Highways Depot & City Hall	30,000,000
12	Procurement of spare parts for maintenance of equipment and fleet for Mobility and Works	Mechanical (Automotive Sec)	Highways Depot & Central Garage	29,500,000
13	Rehabilitation of the Central Garage	Mechanical (Automotive Sec)	Central Garage	15,900,000
14	Installation of management system for automotive, moving plant and facilities	Mechanical (Fleet section)	Central Garage	30,000,000
15	Maintenance system for automotive, moving plant and facilities	Mechanical (Fleet section)	Central Garage	6,000,000
16	Installation of modern weigh bridge and ramp at Kangundo Asphalt Plant	Mechanical (Plant Section)	Kangundo Asphalt Plant	15,000,000
17	Rehabilitation of old weigh bridge at Nanyuki Road Asphalt plant	Mechanical (Plant Section)	Nanyuki Road Depot	5,000,000
Total Mobility				623,085,000

The Committee deliberated on the brief and the following were the emerging issues that the Committee would raise with the CEC Member at a meeting to be scheduled:

The sector has lifted the priorities as was documented in the ADP with the targets remaining the same despite the reduction in budget allocation. The sector has not taken into consideration the issues raised by sectoral committees and the Budget Committee on need to readjust the targets to be commensurate with resource envelope allocated. Some of the targets maintained are;

- Installation of 8,160 lighting fixtures under electrical section that was to cost Kshs. 510million, Installation of 200 convenience facilities, installation of 500 road signage, marking of 10,000 road lanes, marking of 100 zebra crossings, recruitment of 43 staff, purchase of 300 office equipment and 400 office furniture, purchase of 500 PPEs amongst others

The following recurrent allocations needs further clarity;

- 1) Kshs. 300million allocated for electricity under the recurrent expenditure
- 2) Kshs.30million for renting of vehicles and what nature of vehicles these could be.

Works Sub-Sector.

1. The road maintenance indicated to be city wide at a cost of Kshs.318.6million needs to be unbundled as well as Kshs.400million for maintenance of lighting fixtures
2. The specific location (wards) should be provided for achievement of equity in project distribution as well as the cost attached to a particular project in every ward especially for the projects whose locations have been indicated to be city wide.
3. The criteria for allocation of funds should be commensurate with the expected works. In this regard, the cost for rehabilitation and that of upgrading roads to bitumen standards are similar save to the ones in Ruai and Umoja I casting doubt on how costings of projects is being undertaken by the sector
4. Most roads have similar budget allocations but no specific targets have been given that is intended to be achieved which could make their monitoring and evaluation an uphill task.
5. The projects life cycle have not been enumerated implying they could be undertaken for several years despite the need to have initiated projects completed so that new ones can be introduced.

Mobility Sub-Sector

1. The number of motor vehicles planned to be purchased at Ksh.30million under mechanical section should be provided and there is need to explain why a similar amount had been allocated under recurrent expenditure for renting of vehicles when the same amount could be used to procure with county taking ownership of such vehicles.
2. Construction of Selected NMT Corridors in the CBD at a cost of Kshs.150million needs unbundling and clear specification of targets to be achieved
3. The sector needs to provide justification on why there is need to be allocated Kshs.18.7million for Transport planning & Data Collection and how the allocation shall impact on infrastructural development in the County.
4. The physical locations of Improvement of Selected Road junctions across the City and Installation of guardrails along selected city streets at an estimated cost of Kshs.50million and Kshs.30million respectively should be provided.
5. The allocation towards rehabilitation of Central Garage is remarkable and it is expected that the County will be saving on maintenance costs going forward.

The Chair, on behalf of the Committee thanked Mr. Alphonse for the presentation and released him.

MIN.074/T&PW/JUNE/2023 – ADOPTION OF THE COMMITTEE'S REPORT ON PETITION BY ASSOCIATION OF ONLINE TAXIS DRIVERS

The Committee was informed that following the Petition presented to the Assembly in behalf of Association of Digital Taxis Drivers by Hon. Mark Mugambi, MCA, the Committee had

prepared a draft report on the same. In the Petition, the Petitioners requested the Assembly to intervene to have them allocated spaces in the CBD for picking and dropping.

The Committee was taken through the draft report and had the following draft recommendations:

- 1) That, the County Executive Committee Member for Mobility and Works designates marks, and gazettes appropriate spaces within the Central Business District (CBD) for picking and dropping of passengers by digital taxis;
- 2) That to avert the risk of congestion and obstruction, the County Executive Committee Member for Mobility and Works to limit the time to be spent at the spaces i.e “pick or drop on the go”
- 3) That upon designation, marking and gazettelement of the spaces, County Executive Committee Member for Mobility and Works liaises with the Chief Officer for Security and Compliance and agree on how the taxis will be operating within the spaces awaiting formulation of regulations for digital taxis and their operations in the County;
- 4) That the County Executive Committee Member for Mobility and Works to formulate regulations for Nairobi City County Transport Act, 2020 to regulate operation of digital taxis in the County; and
- 5) That digital taxis to organize themselves in Companies or SACCOs for ease of enforcement, management, regulation and safety; and
- 6) That the digital taxis drivers considers presenting a memorandum to the County Assembly during public participation on Nairobi City County Finance Bill, 2023 for consideration of the request to have fees charged revised down.

The Committee deliberated on the report and adopted it with the recommendations.

MIN.075/T&PW/JUNE/2023 – CONSIDERATION AND ADOPTION OF THE COMMITTEE’S REPORT ON STATEMENT REQUESTED BY HON. FINIFIU THUO ON CLOSURE OF THIGIRI LANE IN KARURA WARD

The Committee was informed that Hon. Fiunifiu Thuo, MCA requested for a Statement from the Committee on closure of Thigiri Lane in Karura Ward. In the Statement, the Members requested the Committee to report on the following:

1. Whether Thigiri Lane along Thigiri Ridge Road is classified as a Nairobi City County Public Road
2. If the County Executive is aware that there have been efforts to block Thigiri Lane by a section of residents;
3. Whether any public participation was conducted by KURA before recommending prohibition of vehicular traffic accessing Karura Forest Sigiri Block on Thigiri Lane; and
4. Whether the County Executive is aware that KURA has recommended prohibition of public access to Karura Forest Sigiri Block on Thigiri Lane.

However, the Committee resolve to have the matter fully investigated by first conducting a site inspection visit and compiling a report on the dame to the Assembly. The Committee was taken through the draft report that proposed the following recommendations:

- 1) That the County Executive Committee Member for Mobility and Works and the Chief Officer for Security and Compliance to forthwith ensure that the road is opened to the public exiting from Karura Forest in line with the plans of the Association;
- 2) That Friends of Karura Forest Community Forest Association to immediately resume its project of installation of concrete paving at the of the parking area to address dust in the parking area;
- 3) That Friends of Karura Forest Community Forest Association in collaboration with the County Government and KURA to put in place measures including street lighting to address security and traffic fears raised by a section of the residents;
- 4) The County Executive Committee Member for Mobility and Works, the Chairperson and the Board of Friends of Karura Forest Community Forest Association to furnish the Committee with progress reports on the foregoing recommendations within 60 days; and
- 5) The County Executive Committee Member for Mobility and Works to expedite the road classification in line with Section 11 of Nairobi City County Transport Act, 2020 in view of opening any illegally closed or blocked public roads in the County.

The Committee deliberated on the draft report and adopted the same with the recommendations.

MIN.076/T&PW/JUNE/2023- A.O.B AND ADJOURNMENT

The Committee having dispensed with the business of the day and the time being 12.02 p a.m, the Chairperson adjourned the sitting. The date and venue of the next sitting was going to be communicated by way of notice.

CONFIRMED AS A TRUE RECORD OF THE PROCEEDINGS

	SIGN	DATE
CHAIRPERSON  12/6/2023
SECRETARY  12/6/2023

NAIROBI CITY COUNTY ASSEMBLY



THIRD ASSEMBLY
(FIRST SESSION)



Committed to
transport committee
on 15/12/2022

[PUBLIC PETITION PURSUANT TO STANDING ORDER 208]

BY HON. MARK MUGAMBI ON BEHALF OF DRIVERS IN TRANSPORT NETWORK TAXIS, HEREAFTER REFERRED TO AS ONLINE TAXIS, REGARDING DESIGNATION OF PASSENGER PICKING AND DROP OF SLOTS IN THE COUNTY, MORE SO IN THE CENTRAL BUSINESS DISTRICT.

WE THE UNDERSIGNED are Citizen of Kenya who ^{are} is a resident^s of Nairobi City County;

DRAW the attention of the County Assembly of Nairobi to the following: -

AWARE THAT, Article 185 of the constitution of Kenya 2010 vests the legislative authority and oversight of the County governments in the County Assembly; and Article 46 provides that consumers have a right to goods and services of reasonable quality and have a right to protection of their health, safety and economic interests;

THAT, Part 2 of the Second Schedule of the Constitution confers the traffic and parking function to the County Governments; Section 88 of the County Governments Act, 2012 entitles the citizens the rights to petition the County Government on any matter that is within the scope of their mandates;

THAT WHEREAS, Section 27 of the Nairobi City County Transport Act, 2020 prohibits public transport vehicles from picking and dropping passengers at undesignated bus stops; and Section 46 and 47 of the Act further prohibits persons from parking on public roads in a manner that impedes traffic flow and strictly restricts parking to designated areas; the Sections particularly prohibits PSVs using undesignated areas as parking prior to obtaining authority from the County;

BY HON. MARK MUGAMBI ON BEHALF OF DRIVERS IN TRANSPORT NETWORK TAXIS, HEREAFTER REFERRED TO AS ONLINE TAXIS, REGARDING DESIGNATION OF PASSENGER PICKING AND DROP OF SLOTS IN THE COUNTY, MORE SO IN THE CENTRAL BUSINESS DISTRICT

THAT WHEREAS, the County Government has designated parking slots for within the CBD for matatus and stationery taxis and online taxis that provide equally important services lack authorized and designated slots to pick and drop off passengers;

THAT WHEREAS the County having yet to designate passenger pick and drop off points for online drivers, the County enforcement officers impounds these online taxis and arrests the drivers whenever they are providing this services to clients working in the CBD; hence, these drivers keep in motion around CBD roads in fear of arrest;

THAT WHEREAS these online drivers are compliant with all other pre-requisite statutory requirements for the provision of these services and efforts to address this matter with relevant ex use have been unsatisfactory;

AND THAT, all the matters in resp pending before any court of law or

HEREFORE, your humble Petitio Nairobi County intervenes and ens

a. Require upon the Cou taxi parking bays in communicating desig designating and perm drop off slots for the c

b. Require upon the County Executive Roads, Transport and r public Works Sector to expedite the formulation of regulations pursuant to Section 68 (1) (f) of the Nairobi City County Transport Act, 2020 to provide for regulation of the operations; licensing; pick and dropping off and driver organization for both hail and online taxis in the County.

And your Petitioners will forever pray.

Presented by;

Sign: 
Hon. Mark Mugambi, MCA

On behalf of;

- Organization of Online Drivers

And by extension;

- All residents of Nairobi County.

Handwritten notes:
About the members to proceed since the member is seeking/proving for a legal framework that will solve future occurrence of the same.
8/12/2022
DLS
CA 15 D
not
y of
nize
rtice
v of
and

Organization of online Taxis Drivers
E-mail: organizationofonlinedrivers@gmail.com
Mob. 0724044676/0727583858/0725988470
NAIROBI.

The Clerk,
Nairobi City County Assembly,
City Hall Buildings,
NAIROBI

*I D Lc
Kudh Seal
TI PCA L&D
Kudh Seal
meets me 50 214 \$ 217
and talk in the
Assembly. *(Signature)*
065
8/12/2022*

BY HON. MARK MUGAMBI ON BEHALF OF DRIVERS IN TRANSPORT NETWORK TAXIS, HEREAFTER REFERRED TO AS ONLINE TAXIS, REGARDING DESIGNATION OF PASSENGER PICKING AND DROP OF SLOTS IN THE COUNTY, MORE SO IN THE CENTRAL BUSINESS DISTRICT.

WE THE UNDERSIGNED ^{LS} ^{ca} are Citizen of Kenya who is a resident of Nairobi City County;

DRAW the attention of the County Assembly of Nairobi to the following: -

AWARE THAT, Article 185 of the constitution of Kenya 2010 vests the legislative authority and oversight of the County governments in the County Assembly; and Article 46 provides that consumers have a right to goods and services of reasonable quality and have a right to protection of their health, safety and economic interests;

THAT, Part 2 of the Second Schedule of the Constitution confers the traffic and parking function to the County Governments; Section 88 of the County Governments Act, 2012 entitles the citizens the rights to petition the County Government on any matter that is within the scope of their mandates;

THAT WHEREAS, Section 27 of the Nairobi City County Transport Act, 2020 prohibits public transport vehicles from picking and dropping passengers at undesignated bus stops; and Section 46 and 47 of the Act further prohibits persons from parking on public roads in a manner that impedes traffic flow and strictly restricts parking to designated areas; the Sections particularly prohibits PSVs using undesignated areas as parking prior to obtaining authority from the County;

THAT WHEREAS, the County Government has designated parking slots for within the CBD for *matatus* and stationery taxis and online taxis that provide

BY HON. MARK MUGAMBI ON BEHALF OF DRIVERS IN TRANSPORT NETWORK TAXIS, HEREAFTER REFERRED TO AS ONLINE TAXIS, REGARDING DESIGNATION OF PASSENGER PICKING AND DROP OF SLOTS IN THE COUNTY, MORE SO IN THE CENTRAL BUSINESS DISTRICT

equally important services lack authorized and designated slots to pick and drop off passengers;

THAT WHEREAS the County having yet to designate passenger pick and drop off points for online drivers, the County enforcement officers impounds these online taxis and arrests the drivers whenever they are providing this services to clients working in the CBD; hence, these drivers keep in motion around CBD roads in fear of arrest;

THAT WHEREAS these online drivers are compliant with all other pre-requisite statutory requirements for the provision of these services and efforts to address this matter with relevant executing authorities but the response have been unsatisfactory;

AND THAT, all the matters in respect of which the petition is raised is not pending before any court of law or constitutional body.

HEREFORE, your humble Petitioners **PRAY** that the County Assembly of Nairobi County intervenes and ensure that; -

- a. Require upon the County Executive to map out and re-organize taxi parking bays in the CBD and issue a public notice communicating designated taxi bays in the CBD in view of designating and permitting regulated access to selected pick and drop off slots for the online taxis; and
- b. Require upon the County Executive Roads, Transport and Public Works Sector to expedite the formulation of regulations pursuant to Section 68 (1) (f) of the Nairobi City County Transport Act, 2020 to provide for regulation of the operations; licensing; pick and dropping off and driver organization for both hail and online taxis in the County.

And your Petitioners will forever pray.

Presented by;

Sign:

Hon. Mark Mugambi, MCA

On behalf of;

- Organization of Online Drivers

And by extension;

- All residents of Nairobi County.