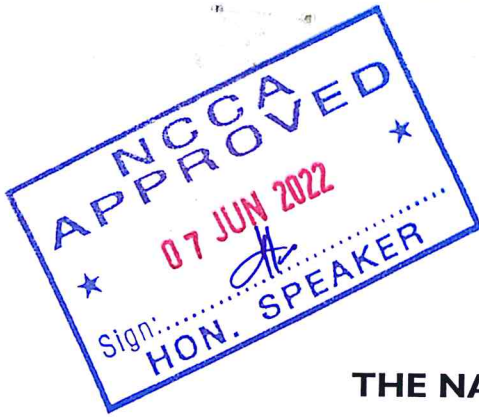


GOVERNMENT OF NAIROBI CITY COUNTY



*Paper laid by Hon.
Peter Wanyake on
7/6/22 @ 9.30am
[Signature]*

THE NAIROBI CITY COUNTY ASSEMBLY

OFFICE OF THE CLERK

**SECOND ASSEMBLY
(SIXTH SESSION)**

NCCA/TJ/PL/2022(18)

7th June 2022

PAPER LAID

Pursuant to Standing Order 191 (6), I beg to lay the following Paper on the Table of the Assembly, today Tuesday 7th June, 2022:

- **THE REPORT OF THE SECTORAL COMMITTEE ON TRANSPORT AND PUBLIC WORKS ON THE JOINT WORKSHOP WITH THE NAIROBI CITY COUNTY ROADS, TRANSPORT AND PUBLIC WORKS SECTOR HELD FROM 29TH JUNE TO 3RD JULY 2021.**

(Chairperson of the Sectoral Committee on Transport and Public Works)

Copies to:
The Speaker
The Clerk
Hansard Editor
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THE GOVERNMENT OF NAIROBI CITY COUNTY



NAIROBI CITY COUNTY ASSEMBLY
(SECOND ASSEMBLY – SIXTH SESSION)

REPORT OF THE SECTORAL COMMITTEE ON TRANSPORT AND PUBLIC WORKS
ON THE JOINT WORKSHOP WITH THE NAIROBI CITY COUNTY ROADS, TRANSPORT
AND PUBLIC WORKS SECTOR HELD FROM 29TH JUNE TO 3RD JULY 2021
AT TRAVELLERS BEACH HOTEL, MOMBASA COUNTY

JUNE, 2022

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1.1 PREFACE

1.1.1 Background

The Nairobi City County Assembly Sectoral Committee on Transport and Public Works wrote to the Director General vide a letter dated 26th May 2021 requesting the Directorate of Roads, Transport and Public Works organizes for a joint workshop. The objectives of the said workshop were amongst others, to re-look at initial priorities, an evaluation of milestones made, status of implementation of legislations and strategic working road map going forward into subsequent financial years. The request to undertake the said workshop was approved vide a memo dated 25th June 2021 and the budget therein. The Assembly Committee was thereafter notified of the said workshop vide a letter dated 28th June 2021. The participants were expected to travel to Mombasa on 29th June 2021 and travel back to Nairobi on 4th July 2021.

1.1.2 Attendance


The Directorate invited the Sectoral Committee in Transport and Public Works of the County Assembly and NaMATA. However, NaMATA did not sent representation and the workshop proceeded with the attendance of officers from the Department and Members of the Sectoral Committee on Transport and Public Works as per the attached list.

1.1.3 Acknowledgement

The Committee thanks the office of the Director General and the Deputy Director General for facilitating the workshop. We also extent our gratitude to officers who attended the workshop from the Directorate for well-prepared presentations to workshop. We also appreciate the Members and secretariat of the Sectoral Committee on Transport and Public Works for fruitful engagements and resolutions during the workshop.

Finally, on behalf of the Committee, it is my pleasure and duty to submit the Workshop report:

Thank you.

Signed  16.8.2021

Hon. James Mwangi, MCA
Chairperson of the Committee

DAY 1 OF THE WORKSHOP

2.1 PRESENTATION: Nairobi City County Transport Act, 2020

2.1.1: Introduction

The workshop was officially opened by a word of prayer from the chair Hon. James Mwangi MCA, the Chairperson of the Committee. The presentation on the Act was done by Eng. Ng'ang'a as follows:

2.1.2 Provisions of the Act

- i. Clause 1 provides that the above ACT may be sited as the Nairobi City County Transport Act.
- ii. Clause 3 provides that the object and purpose of this Act is to facilitate the management, planning, development and funding of county transport facilities and infrastructure in the most adequate, safe and efficient way. It will also provide a legal framework for County transport in order to give effect to part 2 of the fourth schedule of the constitution of Kenya 2010.
- iii. Clause 4 provides that this Act applies to roads and transport system in the County.
- iv. Clause 5 of this act details the roles and responsibilities of the county executive committee member for the efficient implementation of this act as follows
 - a. Preparation of the capital City Transport Plan
 - b. Construction and maintenance of county roads and their drainages
 - c. Regulation of parking on county roads
 - d. Regulation for parking off- street parking
 - e. Smooth flow of traffic in the county
 - f. Regulation of an integrated public transport system in the county
 - g. Promotion of non- motorized transport and
 - h. Determination of the contribution of developers to interventions necessary to mitigate traffic and transport impacts of development proposals. It further proposes that the County Public Services Board may designate such number of the authorized officers as may be necessary for the enforcement of this Act.
- v. Clause 6 of the Act provides for partnerships and cooperation of the county executive member with the following bodies to help carry out its functions
 - a. State department responsible for matters relating to transport;
 - b. Public corporations with duties and responsibilities concerning transport
 - c. Other concerned Counties.
- vi. Clause 7 provides that every five years the committee member shall, after consultation with the stakeholders at the national and county level prepare a capital city transport plan.
Clause 7 (2) provides that the plan shall be consistent in timing and content with the county integrated development plan (CIDP) and national transport policy.

Clause 7 (3) of the act expounds on what the plan provided in subsection (1) contains and they are;

- (a) An integrated transport framework for all modes of transport to support the economic and social development of the capital city
- (b) An appreciation of the unique transport challenges faced by the capital city
- (c) Policies and priorities for road infrastructure and maintenance and parking management over the five years in question
- (d) Proposal of the Nairobi metropolitan area transport authority for declared transport corridors
- (e) Policies and programmes for the development of public transport and mass transit and associated legal and regulatory reform over the five years in question
- (f) Programmes and projects of national and metropolitan road and transport agencies over the five- year period within the county.
- (g) Programmes and projects of the county government committed and proposed over the five- year period
- (h) Specific proposals for the introduction and implementation of the intelligent transport systems for parking and traffic management and control
- (i) Particulars of the costs of the programmes and projects contained in (e), (f) and (g) above, and their funding sources
- (j) Particulars of any factors which may affect the implementation of the plan and the measures which will be taken to ensure the execution of the plan.

Clause 7 (4) of the act also provides that the committee members shall present the plan to the county assembly for its approval.

vii. Clause 8 of the city county transport ACT 2020 provides arrangements for the executive committee member in consultation with the public service board to ensure that the following positions are established and filled and these are;-

- (a) Chief officer, transport and planning
- (b) Chief Officer, infrastructure and public works

Clause 8 (2) of the Act further states that no person shall occupy both the posts in subsection (1), either in an acting or substantial capacity.

Clause 8 (3) provides that the Chief Officer, Transport and Planning shall have three directors appointed who will be responsible for transport policy, transport services and parking services.

viii. Clause 9 provides that there shall be established a transport planning Advisory committee.

Clause 9 (1) of the act provides the members of this committee as mentioned below

- (a) The county Executive Committee Members
- (b) The permanent secretary, state Department for Transport or a person nominated by the permanent secretary

- (c) The Chief Office, Transport and Planning
- (d) The chief Officer, infrastructure and public works
- (e) The permanent secretary, State department for infrastructure or a person nominated by the permanent secretary
- (f) The chief executive officer of the Kenya National Highways Authority.
- (g) The chief executive officer of the Kenya Urban Roads Authority
- (h) The chief executive Officer of Kenya Rural Roads Authority
- (i) The Chief executive officer of the Nairobi Metropolitan Area Transport Authority (ex-officio)
- (j) The Director General National Transport and Safety Authority.
- (k) A transport sector professor of the University of Nairobi appointed by the committee Member (ex-officio)
- (l) A representative of the Transport industry, appointed by the committee member (ex- officio)
- (m) A representative of workers in the public transport industry nominated by the Transport workers union (ex- officio)
- (n) A representative nominated by the Traffic police (ex-officio)
- (o) Any other persons or representative of stakeholders that the committee members may co-opt as ex- officio member

Clause 9 (3) of the Act stipulates that the Transport Planning Advisory Committee shall be

- (a) Chaired by the County executive committee member for Transport
- (b) Have a secretary the Chief Officer, Transport and Planning
- (c) Meet no less frequently than four times per year
- (d) Be quorate with a minimum of five members

Clause 9 (4) of the Act provides that the function of the committee shall be to advise the committee member on broad issues of transport policy and planning with a view to improving the movement of both people and freight and coordinating the activities of sectors actors within Nairobi.

Clause 9 (5) provides that members of the committee may be reimbursed for the attendance at committee meetings in accordance with the directions of the committee member

Clause 9 (6) provides that the committee shall be established within one month of the operationalization of this Act.

ix. Clause 10 of the act provides for the establishment of the Nairobi City County Transport Management Fund.

Clause 10 of the act also provides that the monies of the Fund shall consist of

- (a) A percentage of all car parking fees to be determined annually by the County Finance Act, being not less than twenty percent.
- (b) All other fees and charges collected as result of the implementation of this Act.
- (c) Monies appropriated in the annual County Budget for the purposes of the Fund.

(d) Grants, monies or assets donated to the Fund in accordance with the public Finance and Management Act, 2012

(e) Assets donated to the Fund by any foreign government, international agency or other external body of persons or corporates.

Clauses 10 (3) proposes that the fund shall be managed by the chief Officer, Transport and planning.

Clauses 10 (4) provides that monies of the Fund shall be deposited in a separate bank account.

Clause 10 (5) states that the accounts of the Fund shall be audited annually by an auditor appointed by the Assembly.

Clause 10 (6) provides that audited accounts shall be presented to the Assembly no later than 6 months after the end of the financial year to which the accounts are pertinent.

Clause 10 (7) provides that the fund may be applied for-

(a) The implementation and operation of any project or programme contained in the approved capital city transport plan.

(b) Any operational expenses incurred in the collection of income sources set out under this Act.

x. Clause 11 of the act provides for the identification of county roads as follows; That the county executive member shall identify and classify the county roads by the criteria of-

(a) Location

(b) Length of the road

(c) Class of the road

(d) Road number

(e) The road name.

Clause 11(2) of the act states that County Executive Committee shall submit the inventory of county roads for approval by the County Executive Committee and once approved it shall be published in the Kenya Gazette.

Clause 11(3) provides that the County Executive committee member may, by notice in the Gazette, amend the inventory and classification of roads from time to time.

xi. Clause 12 of the act provides for private roads and states that a land owner who constructs a road on their property may;

(a) Only connect that the road with a public road following the approval of the County

(b) Seek the adoption of the County for the road to be declared a county public road.

Clause 12(2) of the act also provides that a private road shall not be adopted for the purpose of maintenance unless-

(a) Its design and construction meets the standards required by the County

(b) The County Executive Committee Member grants an approval

- xii. Clause 13 of the act provides that a road reserve shall be the designated area on fixed distance either side of the center line of the road.
 Clause 13 (2) of the Act also provides that the fixed distance in subsection (1) shall be determined in accordance with regulations and may vary depending on the class of Road.
 Clause 13 (3) states that despite subsection (2), the minimum fixed distance in each side of the center line of any class of road shall be nine meters.
 Clause 13 (4) provides that the County shall place physical marks on road reserves.
- xiii. Clause 14 of the act provides the designation of Road reserves (1) that a road reserved designated under this Act shall have the effect of reserving the strip of land described in such notice for road purposes.
 Clause 14 (2) states that no person shall undertake any activity on a road reserve except the construction of a road.
 Clause 14 (3) clarifies that subsection (2), the County Executive Committee member may permit limited use of the land reserved for road subject to such conditions as may be imposed.
 Clause 14 (4) of the act states that a person who contravenes this section commits an offence and is liable upon conviction to a fine not exceeding Kenya Shillings one hundred thousand or to imprisonment for a term not exceeding one year or to both.
- xiv. Clause 15 of the act provides for a road development plan whereby the County Executive Committee Member shall prepare and submit to the county Assembly a Road Development Plan of the County every five years.
 Clause 15 (2) expounds that the road development plan shall;
- (a) Contain all existing roads and proposed roads in the County at that time, and their proposed maintenance plans
 - (b) Contain a programme for the integrated development of the road network in the County
 - (c) Be consistent with the capital City Transport Plan
- Clause 15 (3) states that any public agency engage in planning, developing and constructing roads shall on the request of the County Executive Committee Member provide details of the proposal of that agency for-
- (a) The construction of new roads in the County
 - (b) Modifications in alignment or width or number of lanes or any other material fact affecting existing roads
 - (c) Modifications to junctions of existing roads
 - (d) Changes to the management of any roads under the Kenya Roads Act, 2007
- Clause 15 (4) of the act provides that a road development plan approved by the County Assembly shall be published and publicized.

xv. Clause 16 of the acts provides for Road maintenance standards that the County shall maintain the roads for which it has jurisdiction to standards that the County Executive Committee member may from time to time determine.

Clause 16 (2) states that any road agency shall maintain the roads under its jurisdiction to such standards as the County Executive Committee Member may from time to time determine.

Clause 16 (3) of the Act clarifies that standards set under subsection (1) and (2) above may

(a) Vary by class of road

(b) Include construction, drainage and safety issues.

xvi. Clause 17 of the act provides the scheduling of utilities that the members shall cause to be prepared a schedule of such utilities in the County that cross, or are under, or are above, or are on, any public road or footway.

Clause 17 (2) of the Act provides that in pursuance of the preparation and updating of the database in subsection (1) any statutory undertaker in the County is required to provide the member with such information as the ministry may request.

Clause 17 (3) of the act provides that pursuant to its functions, any road authority may request in writing access to information in that schedule and such information shall not be unreasonably withheld.

xvii. Clause 18 of the Acts provides that an owner of commercial building may construct and maintain a footway next to a commercial building where the county-

(a) Has designated an area next to the building for the construction of a footway.

(b) Has not constructed or has failed to maintain the footway.

Clause 18 (2) of the Act provides that a person shall construct or maintain a footway under subsection (1)-

(a) Upon approval of the county executive committee member

(b) In accordance with any prescribed standards.

xviii. Clause 19 of the act provides an Agency agreement that any road agency may enter into an agreement with the County government to carry out works on the agency's roads.

Clause 19 (2) of the act clarifies that if in the opinion of the committee member any road under the jurisdiction of any road agency other than the County government, is unsafe in its design or operation, the committee member shall notify the agency in writing requesting for proposals to improve the road safety.

xix. Clause 20 of the act provides that an authorized officer of the County government may enter land to remove obstructions, except buildings, or execute any other works that may be required to remove-

(a) A safety hazard

- (b) An obstruction of a road sign
- (c) Any obstruction to drainage

- xx. Clause 21 (1) of the Act states that an authorized officer of the county Government may enter land to alter the position of any pipe, sewer, drain or wire, or to allow the person controlling such utilities to execute the work themselves.
Clause 21(2) of the act also provides that it shall be the responsibility of the County government to ensure the maintenance or supply of any produce using the sewer, drain, pipe or wire should works be carried out under this section.
Clause 21 (3) of the act provides that the County government may require the person controlling any utility to remove any pipe, sewer, drain or wire from within a road reserve, or to allow the County government to execute the work itself at the cost of the person controlling the utility.
- xxi. Clause 22 of the act provides the power to remove a structure in that the committee member may require any person controlling a structure or a thing above or below a county road to remove that thing at his cost, or allow the county government to remove such a thing itself and to recover the cost from the person in control of that thing.
- xxii. Clause 23 (1) provides for the approval of public transport infrastructure that a person who wishes to operate a public transport infrastructure or services in the County shall obtain consent from the County Executive Committee member. Clause 23 (2) of the act also provides that the County executive Member shall expeditiously process any application to operate a public transport services in the county and may only withhold such application where-
 - a) It conflicts with the approved transport plan of the county
 - b) It imposes costs on the County that the County Executive Committee member deems unreasonable
 - c) The county executive committee member is of the opinion it may cause unreasonable disruption of public transport services in the County
- xxiii. Clause 24 of the act state that no person shall drive a motor vehicle on a public road except under the authority and in accordance with the conditions of a license issued in accordance with the relevant national law.
- xxiv. Clause 25 (1) of the act provides that the county executive committee member shall prepare a plan for a network of bus routes to operate to, from and within the County.
It further states in subsection (2) that a person shall not operate a public service route in the county unless:
 - a) Incorporated under the companies Act or registered as a SACCO
 - b) A Valid bus license has been issued by the National Transport and Safety Authority

- c) A bus route permit has been issued by the county. Moreover the clause in subsection (3) provides that a bus route permit shall be granted to a bus operator provided that the proposed bus route-
 - a) Is a part of the plan approved under subsection (1)
 - b) Operating and performance standards and fares regime are agreed with the county in a bus route contract.
 - c) Is operated by buses that have permanent access to parking and maintenance facilities and that the address of these facilities is provided to the County
 - d) Is operated by a maximum of two companies, SACCOs or operators.

Clause 25 (4) of the Act states that the driver of a public transport vehicle shall, when ferrying passengers for hire or reward, follow such routes as are laid down under subsection (2) Clause 25 (5) states that a person who contravenes this section commits an offence and is liable on conviction to a fine not exceeding Kenya Shillings Fifty thousand or to imprisonment for a term not exceeding six months or to both.

- xxv. Clause 26 of the act provides that the County Executive Committee member shall designate public transport vehicles terminals in the County
The clause further states that in subsection (2) in designating terminals, the County Executive committee member shall ensure that such terminals are part of an integrated public transport network.

Clause 26 (3) of the acts provides that the County Executive Committee member may amend the designation of any terminal for any existing or proposed public service route to align them with an integrated public transport network.

- xxvi. Clause 27 of the act provides that (1) a registered owner of a public transport vehicle shall submit to the county executive committee member with a copy of the vehicle's operative timetable indicating the schedule times of arrival and departure of all services for approval.

Clause 27 (2) of the Act provides the County Executive committee member may, before approving the timetable require necessary amendments and alterations be made for efficient and smooth running of a bus stations.

The clause further states in subsection (3) that all public transport vehicles shall adhere to the approved timetable.

- xxvii. Clause 28 of the Act provides that a public transport vehicle shall only pick up or drop passengers at a designated bus stop.

Clause 28 (2) states that no public transport vehicle shall be parked at a bus station for a period designated by the county executive member from time to time.

Clause 28 (3) of the act provides that where the approved timetable provides an interval exceeding one hour between the arrival and departure of any public transport vehicle, such vehicle shall-

- a) Be removed from the bus station to a lawful place of parking not being a parking provided adjacent to a carriage way
 - b) Shall not be returned to the bus station earlier than thirty minutes before the departure time.
- xxviii. Clause 29 of the act provides that a registered owner of public transport vehicle using a bus station shall pay to the County fees prescribed.
 Clause 29 (2) also provides that a person shall park a public service vehicle at a bus station for the purpose of picking and dropping passenger upon payment of the required fees
 Clause 29 (3) of the act states that a person who contravenes this section commits an offence and is liable on conviction to a fine not exceeding Kenya shillings fifty thousand or to imprisonment for a term not exceeding six months, or to both.
- xxix. Clause 30 of the act provides that a public service vehicle operator shall develop a fare guide based on subsection 25(3) b
 Clause 30 (2) states that a fare guide will be displayed at a location that is visible to all passengers.
 Clause 30 (3) states that a passenger shall not be required to pay a fare that exceeds the amount displayed on the vehicle.
 The clause moreover provides in subsection (4) that a public service vehicle operator shall notify the County Executive committee member of any changes to the published fare guide.
- xxx. Clause 31 of the Act provides that no person shall through use of force, intimidation, threats or prevent-
 - a) Any person from obtaining or engaging a public transport vehicle
 - b) A driver of a public transport vehicle from picking or dropping passengers or
 - c) Operation of any public transport vehicle which is lawfully operated.
- xxxi. Clause 32 of the act provides that all public transport vehicles shall have designated seats close to the alighting door for passengers with a physical disability or special needs.
 Clause 32 (2) provides that the number of seats shall be designated for passengers with a physical disability or special needs or pregnant women or elderly people or person with an infant as follows-
 - a) Vehicles with a capacity of not less than seventeen passengers to have one designated seat.
 - b) Vehicles with a capacity of eighteen to thirty- five passengers to have two designated seats
 - c) Vehicles with a capacity of over thirty- five passengers to have three designated seats.
- xxxii. Clause 33 of the Act provides that if a public transport vehicle becomes defective during a journeyer, for any reason is unable to proceed on with the journey to

the outlined destination, the passengers shall, the operator of such defective vehicle shall provide-

- a) Provide an alternative vehicle within a reasonable time
- b) An adequate refund of fare for the remainder of the journey.

Clause 33 (2) of the Act provides that a public service vehicle operator who fails to comply with subsection (1) commits an offence and is liable, on conviction, to a fine not exceeding fifty thousand shillings.

Clause 33 (3) of the act states that a driver of a vehicle that becomes defective shall take reasonable steps to ensure the security of the passengers and the vehicle operator shall be held responsible for any loss or injury suffered to passengers as a result of negligence.

xxxiii. Clause 34 of the act provides prohibited activities in a public transport vehicle whereby the following activities are prohibited on a public transport vehicle-

- a) Smoking
- b) Offensive or excessive loud music
- c) Obscene or offensive language
- d) Interfering with the comfort of any passenger
- e) Damaging or interfering with an equipment of the vehicle
- f) Endangering the life of a passenger
- g) Showing or displaying of any pornographic material
- h) Any other activity prohibited by law

Clause 34 (2) further states that a person who contravenes this section commits an offence and is liable to a fine not exceeding twenty thousand shillings.

xxxiv. Clause 35 of the act provides for motorcycle transport that the rider and pillion passenger on a motorcycle shall-

- a) Wear a helmet and a reflecting jacket when on board
- b) Comply with national traffic legislation.

Clause 35 (2) of the act provides the carrying capacity for motorcycle shall be one pillion passenger and three passengers for tuk-tuk.

Clause 35 (3) of the act also states that a pillion passenger on a motor cycle shall be at least 13 years old.

Clause 35 (4) states that a motorcycle shall only carry passengers for commercial purposes if the operator has obtained a permit issued by the county.

Clause 35(5) provides that any motor-cycle carrying passengers for commercial purposes shall operate on zonal arrangements and each zone shall have a distinct color mark by given county.

xxxv. Clause 36 of the act provides that a County Executive Committee Member may designate any authorized officer to service as a traffic marshal for purpose of this part.

Clause 36 (2) of the act provides that a Traffic Marshal when pursuing their duties wear a required uniform and carry such identification and authorization.

Clause 36 (3) of the act provides that the duties and functions of traffic Marshals shall:

- a) To collect fees and charges set out under this Act
- b) Manage traffic flow in the county roads
- c) Perform any other duty of an authorized officer.

xxxvi. Clause 37 of the Act provides that the county executive committee member shall designate cycling lanes for the exclusive use of pedal cycles in the county roads. Clause 37 (2) states that no motorized vehicle shall enter a lane designated for cycling.

xxxvii. Clause 38 of the act provides pedestrians only lanes roads in that a road signed with a pedestrian only sign, including the footways and carriageway, shall be for the exclusive use of pedestrians and no motorized vehicle or pedal cycle shall enter or ply on such road.

xxxviii. Clause 39 of the act provides for public transport vehicles only road where a road is signed with a public transport vehicle only sign, no motorized vehicle other than a public transport vehicle operated on an approved route may enter or ply that road.

Clause 39 (2) of the act clarifies that despite subsection (1), the following vehicles are exempt-

- a) Police cars and motorcycles
- b) Ambulances
- c) Fire engines.

xxxix. Clause 40 of the act provides that a person shall not park or allow to be parked a public transport vehicle in a non- designated parking area
Clause 40 (2) of the acts states that a public transport vehicle, when picking or dropping passengers, shall not-

- a) Traverse a pedestrian crossing when picking or dropping a passenger
- b) Park in a designated parking place longer than is required.

This clause subsection (3) clarifies that the County shall establish lay-bys for public transport vehicles shall not park or block the entrance or exit of the lay by.

Clause 40 (4) of the act states that a person who violates this section commits an offence, and is liable on conviction to a fine not exceeding fifty thousand shillings or to imprisonment for a term not exceeding eight months or to both.

xl. Clause 41 of the act provides a utility company which in exercise of a statutory mandate on a county road or footpath may affect the flow of traffic shall seek an approval from the County Executive Committee member in writing.

Clause 41 (2) of the act states that the County Executive Committee member shall approve any request under subsection (1) where a utility company has clearly identified-

- a) Location and nature of the proposed works
- b) Duration of the proposed works
- c) Measures proposed to ensure the smooth flow traffic and pedestrians

Clause 41 (3) of the act provides that the County Executive Committee Member may issue temporary traffic orders to regulate traffic orders to regulate traffic during the duration of the works. The same clause in subsection (5) provides that in undertaking any works on a county road, a utility company shall be responsible for the safety of workers at the site and of the pedestrians. This clause in subsection (6) provides that upon completion of the works, a utility company shall ensure that the road and footway, signs and road markings are reinstated to appropriate standard.

- xli. Clause 42 of the act provides for the designation of truck routes that no truck above the gross vehicle weight indicated shall enter any road where a lorry ban sign is erected.

Clause 42 (2) of the act provides that the County may designate-

- a) Certain roads as trucks routes through the erection of class B advisory signs or
- b) Any part of any county road or area as a truck park

Clause 42 (3) of the acts states that no truck unloading goods shall park in any place except a place designated as truck park.

Clause 42 (4) clarifies that the county may levy a charge on trucks parking in a designated truck park.

- xlii. Clause 43 of the act provides for traffic impact assessments that any person who applies for the development, redevelopment or change of use of a building or structure exceeding 2,000sq.m. gross floor area shall only be approved where-
 - a) The building or structure contains within its curtilage the approved number of car parking spaces
 - b) A traffic impact assessment report has been submitted by the developer, proposer or owner of the building or structure.

Clause 43 (2) of the acts provides a traffic impact assessment report shall contain-

- a) A forecast of the number of people and vehicles of all types that will be attracted to the building or structure in the year following the year of submission of the report and the following ten years.
- b) A review of existing transport and traffic conditions in the area the transport network is likely to be affected by the proposed building or structure
- c) An assessment of the additional transport infrastructure and services required in the affected area to accommodate the traffic and transport demands generated by the building or structure

with a view of ensuring that there is no net detrimental effect on traffic and public transport congestion.

- xliii. Clause 44 of the act provides for the implementing traffic impact assessment report (1) as a condition of the planning approval the developer or proposer or owner of the building or structure may be required to implement at their cost the measures in the approved traffic impact assessment.
Clause 44 (2) of the acts states that despite subsection (1), a developer, proposer or owner of the building or structure may be required to implement at their cost the measures in the approved traffic impact assessment.
Clause 44 (3) adds that any commuted sum shall be the subject of an agreement between the developer, proposer or owner of the building or structure and the County.
- xliv. Clause 45 of the Act provides that the County Executive Committee Member may order a county road be closed for a certain period of time in any direction for any class of traffic.
Clause 45(2) states that prior to effecting any closure, the County Executive Committee member shall-
- a) Publish and publicise the proposed order and
 - b) Consider written submissions on the proposed order.
- xlv. Clause 46 of the Act provides that a person shall not 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
This clause also provides in subsection (2) that parking shall be at strictly in areas designated as such at a parking fee as shall be determined by the County Executive Committee member for different areas within the county government.
- xlvi. Clause 47 of the Act provides that a public transport vehicle shall not without prior authority by the County, be parked in any place other than a designated public transport vehicles terminal.
The same clause in subsection (2) states that this section shall not apply to a public transport vehicle parked at a bus stop for sole purpose of dropping and picking passengers.
- xlvii. Clause 48 of the Act provides for prohibition of parking areas whereby (1) a person shall not park a motor vehicle in any other area other than a designated parking area.
Clause 48 (2) clarifies that unless legally permitted, a person shall not stop or park a vehicle-
- a) At an intersection nearer than ten meters to the projection of the curb line immediately ahead or immediately to the rear.
 - b) Within ten meters on the approach to a stop sign or give way sign

- c) Within five meters of any fire hydrant or when the hydrant is not located at the curb within five meters of the point on the edge of the roadway nearest the hydrant.
- d) Within ten meters of the approach to a pedestrian crossing
- e) On a footway
- f) Facing oncoming traffic
- g) On any bridge or approach to any bridge
- h) In a passenger loading or unloading space posted as such by a traffic control device except when taking or discharging passengers
- i) On any portion of a public road posted with the sign 'No Parking'
- j) On any space posted as a fire lane except for emergency vehicles
- k) On any space posted for disabled persons unless such vehicle is designated as a disabled person's vehicles or
- l) In such a manner so as to obstruct an emergency

Clause 48 (3) states that a person shall not park a vehicle or permit a vehicle to be parked on a private property without permission by the owner of such property or a person having lawful possession or control.

Subsection (4) of the same clause states that a trailer shall not be parked on a public road unless attached to a vehicle by which it may be propelled or drawn and when so attached, the trailer shall be deemed to be part of the vehicle and subject to the provisions pertaining to vehicles. Subsection (5) of the same clause also states that a vehicle that is not a taxicab shall not be parked in an area designated as a taxi zone.

xlvi. Clause 49 of the acts provides for the parking bays for permit holders that the Committee Member may declare that a designated parking bay or bays may only be used for the parking of vehicles for permit holders only

Clause 49 (2) provides that the County government may issue a permit to a person for a period not less than three months on payment of a fee if that person has-

- a) A residence or business close to the permit holders only bays and
- b) No means of parking a vehicle within the curtilage of the building that houses that residence or business.

The same clause subsection (3) states that any vehicle parked in a permit holder bay shall visibly display such a permit commits an offence.

Subsection (4) of this clause clarifies that any permit granted does not guarantee the holder a parking space.

xlix. Clause 50 of the act provides that a committee member can direct road agencies on safe parking if the opinion of the Committee member, the parking of vehicles at a location on a road not under the jurisdiction of the County government constitutes a traffic congestion or safety hazard the committee member may

write to the agency responsible for that road directing that parking be regulated in a manner that reduces that hazard.

- i. Clause 51 of the act provides that (1) no person shall own or operate an off street car park that is accessible to the public for reward unless granted an off street parking license by the county.

Clause 51(2) states that an application for an off street car park license shall be made to the County executive committee member in the prescribed manner and include-

- a) The proposed number of car parking spaces
- b) Proposed hours of operation
- c) Proposed car parking charges
- d) Number of proposed spaces for vehicles transporting drivers or passengers living with disabilities
- e) The prescribed fees and
- f) Statement on impact of the car park on traffic congestion

Clause 51 (3) of the act states that an off street car park license shall not be granted if its operation is likely to create traffic congestion

Subsection (4) of the same clause provides that in granting a license, the county executive committee member may place conditions on-

- a) The number of car parking spaces to be operated
- b) The opening hours of the car park
- c) The charges for parking
- d) The duration of effect of the license
- e) Number of spaces for vehicles transporting drivers or passengers living with disabilities.

Subsection (5) states that a license may be granted for a period less than two years and not exceeding five years.

Subsection (6) provides the following entities operating public off street car parks are exempt from the requirements of this section-

- a) Government offices
- b) Parks
- c) School
- d) Universities
- e) Vocational training colleges and institutes

- ii. Clause 52 of the act states that a congestion charge in central business district will be charged by the County Executive Committee member on the owner or operator of every institution, company or building or land within any controlled area that-

- a) Contains car parking spaces within the curtilage of the building or land
- b) Is a public off street car park

Clause 52 (2) of the act provides that in levying a congestion charge, the county Executive committee member shall take into account-

- a) The amount of traffic and
- b) Representations made with affected stakeholders.

- lii. Clause 53 (1) of the act provides that any vehicle parked contrary to provisions of this Act, or which has broken down at a place not designated for parking, shall be removed within the hour by the owner, failing which it shall be towed away by authorized officers at the owner's expense.

Clause 53 (2) of the act provides that when a vehicle breaks down on a road, owner shall place an authorized hazard sign at least 10 meters behind the vehicle.

- liii. Clause 54 of the act states that a person shall not park a vehicle on any road unless

designation for parking otherwise permits, except for the following purposes-

- a) The loading or unloading of goods from a commercial vehicles for a reasonable period or
- b) The loading or unloading of goods or passengers from a vehicle other than a commercial vehicle for a reasonable period

Clause 54 (2) of the act clarifies that despite subsection (1) , no person while loading or unloading passengers or goods shall park in such a manner as may obstruct the passage of other vehicles.

- liv. Clause 55 of the Act provides that the operator of a 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.

- lv. Clause 56 of the Act provides use of footway to be for use by pedestrians and subsection (2) states a person shall not drive, park, or erect a structure on a footway.

The clause also states in subsection (3) that a person who contravenes this section commits an offence and is liable, on conviction, to a fine not exceeding one hundred thousand shillings or to imprisonment for a term not exceeding six months, or to both

- lvi. Clause 57 (1) of the Act provides that a person driving a motor vehicle shall not park the vehicle on any part of a county road that has signs or markings indicating that parking is prohibited at the time of the day or that day of the week.

Clause 57 (2) states that a person shall not use a parking bay other than for the purpose of parking a motor vehicle and in accordance with such conditions as may be prescribed by the county executive committee member.

This clause in subsection (3) further states a person who contravenes this section is required to pay a penalty.

The clause further provides in subsection (4) that a person who fails to pay the penalty commits an offence and is liable, on conviction, to a fine not exceeding

fifty thousand shillings or to imprisonment for a term not exceeding three months or both.

This clause subsection (5) provides that where the owner of a motor vehicles contravenes this section, the county Executive committee member may cause the motor vehicle to be seized and such vehicle shall only be released to the owner upon payment of the required fine and charges.

lvii. Clause 58 (1) of the Act provides special parking bays that the county executive committee member shall designate parking bays for-

- a) The reserved parking of petroleum tanker vehicles in accordance with section 99 of the Energy Act and
- b) The parking of heavy commercial vehicles.

Clause 58 (2) states that a person driving a petroleum tanker vehicles or a heavy commercial vehicle shall not park the vehicle in an area other than that which is designated for parking of such vehicles.

Clause 58 (3) clarifies that despite subsection (2), a person may park a petroleum tanker vehicle or a heavy commercial vehicle outside the designated areas for the purpose of loading or offloading goods where-

- a) The loading or offloading process is continuous
- b) The goods are of such weight that they cannot be reasonably conveyed otherwise than by means of a vehicle.
- c) The vehicle is parked near as possible to the loading or offloading site and
- d) The loading or offloading activity is carried out promptly.

Clause 58 (4) of this Act also states that a person who contravenes this section commits an offence and is liable, on conviction, to a fine not exceeding two hundred thousand shillings or to imprisonment for a term not exceeding one year or to both. The same clause subsection (5) states that where the owner of a motor vehicle contravenes this section the county executive member may seize the motor vehicle and such a vehicle shall only be released to the owner upon payment of the required fine and charges.

lviii. Clause 59(1) of the Act provides that the county executive committee member shall by notice in the county gazette, publish standards on the approved number of car parking spaces to be provided within a building structure.

Clause 59 (2) states that the standards published under subsection (1) shall relate to –

- a) The proposed use of the building or structure
- b) The geographical location of the proposed building or structure
- c) In the case of a non- residential development the gross floor area of the proposed building or structure
- d) In the case of a residential development, the number of proposed bedrooms and

e) Any other factor the County Executive Committee Member deems fit to include.

lix. Clause 60 (1) of the Act provides street lighting that the county shall install and maintain street lights on all its roads.

The same clause subsection (2) states that in installing the street lights, the County shall prioritise the roads guided by the criteria of-

- a) Volume of traffic
- b) Volume of pedestrians
- c) Safety and
- d) Security

Clause 60 (3) of the act further states that any national government road agency shall install and maintain street lights on roads under its jurisdiction within County Executive Committee member may from time to time determine.

lx. Clause 61 of the act provides that no sign, advertisement or billboard may be erected on a road or a footway or within a road reserve except-

- a) On approval by the County Executive Committee Member on application made through a prescribed form and
- b) Payment of the prescribed fee.

lxi. Clause 62 (1) of the Act provides that the County executive committee member may designate any area of county to be a low emission zone.

The clause also state in subsection (2) that the designation of a low emission zone shall be published and publicized.

lxii. Clause 63 (1) of the Act states that from January 1st 2025 no motorized vehicle may be driven or parked on any public road within low emission zone unless-

- a) Proof of payment of the low emission fee is able to be demonstrated by the driver of that vehicle or any passenger in that vehicle.
- b) The appropriate low emission zone fee has been paid for that vehicle in accordance with regulations.

Clause 63 (2) of the acts further states that any vehicle that does not display the proof of payment of the climate change mitigation fee shall be liable to an immediate penalty of five times the fee payable for one day.

Clause 63 (3) further states that any vehicle for which the penalty in subsection (1) is not paid within two hours may be caused to be taken to a designated impounding yard and shall only be released on payment of a release fee.

lxiii. Clause 64 (1) states that from January 1st 2035 no motorized vehicle whose means of propulsion is an internal combustion engine may be driven or parked on any public road within the low emission zone.

Clause 64 (2) states that any vehicle in contravention of subsection (1) is liable to a penalty of ten thousand shillings and the vehicle shall be taken to a designated impounding yard.

- lxiv. Clause 65(1) of the Act provides that every two years the Committee Member shall prepare and submit to the Assembly a report on the status of non-motorized transport in the county

This clause under subsection (2) states that in preparing the report that the committee member shall have regard to

- a) The demand for non-motorized transport
- b) The stock and quality of infrastructure devoted to non-motorized transport
- c) Such activities that have been implemented to foster and encourage the use of non-motorized transport, particularly cycling and walking in Nairobi.

- lxv. Clause 66 (1) of the act states that the County Executive Committee member shall make guidelines for non-motorized transport.

Clause 66 (2) provides the guidelines on the design and provision of-

- a) Safe roads
- b) Safe footpaths
- c) Cycle lanes
- d) Cycle parking
- e) Safe pedestrian crossing
- f) Access to buildings, social and educational facilities
- g) Access for persons with mobility disability
- h) Safe movement of rickshaws and hand carts

Clause 66 (3) of the Act provides that no person shall construct any road, footway or any part of any road or any building or public facility without taking into account the prescribed design guidelines.

- lxvi. Clause 67(1) of the Act provides that the County Executive committee member may make regulations for the efficient administration of this Act including on-

- a) Operation of public transport vehicles within the county
- b) Designated public transport vehicle timetable
- c) Public transport vehicle timetables
- d) Public transport fares
- e) Designated parking bays
- f) Regulation on taxicabs
- g) Regulation of tuk-tuks
- h) Road reserves
- i) Regulation of motor cycle taxis
- j) Parking fees and excess charges chargeable under this Act and
- k) Fines payable for contravening the provisions of this Act.

In the Plenary, the Members of the Committee concurred that the Act was revolutionary since by laws were no longer applicable under the existing Constitutional framework. Having faced challenges of enforcement of aspects of public transport and roads from 2010, the enforcement organs have faced difficulties in enforcing law and order in the Sector because of lack of supporting legislative and policy frameworks.

This therefore has exposed the city to lengthy anarchy-like regime where players in the sector operate with discretion. However, it was noted that the coming into place of the Act would open a new door in ensuring order in the County's public transport and roads sector.

However, concerns were raised on the slow pace of rolling out key aspects of the Act that are required to be in place even before the County begins to reap the full benefit of the Act. The Committee urged the NMS and the County Executive to coalesce and have the Act operational and that the Committee would be more than willing to support whenever certain areas require the attention of the Assembly. In view of the foregoing, the following implementation plan was agreed upon:

2.1.3 Implementation Plan for the Act

Section of Act	Summary of subject	Implementation activities	Responsibility	Timescale
7	Preparation of Capital City Transport Plan	Draft Terms of Reference for drawing up the Plan	Transport Department	June 2021
		Inform CECM on ToR and timetable	Transport Department	June 2021
8	Appointment of Chief Officers	Finalise re-structuring of the department	Transport Department	June 2021
		Consult County Public Service Board	CECM/Chief Officer	June 2021
		Table in Assembly	CECM	September 2021
		Recruit Staff	Chief Officer/PSB	October 2021
9	Establish Transport Planning Advisory Committee	Identify members	Transport Department	June 2021
		Call first meeting	County Secretary	June 2021
11	Road Classification	Review roads under county control	Roads Department	September 2021
		Develop inventory		November 2021

Section of Act	Summary of subject	Implementation activities	Responsibility	Timescale
		Finalise inventory	Roads Department	December 2021
		Submit to CECM	Roads Department	January 2022
		Publish in Gazette	Chief Officer County Secretary	February 2022
13	Mark road reserves	Identify priority roads to protect road reserves	Roads Department	October 2021
		Map locations of markers	Roads Department	December 2021
		Set markers in reserves	Contractor	January 2022 onwards
15	Road Development Plan	Issue letters to road agencies in line with subsection (3)	CECM	June 2021
		Review and collate NCCG proposals	Roads Department	September 2021
		Draft Road Development Plan	Roads Department	December 2021
		Submit to Assembly	Roads Department	March 2022
		Print and publish	CECM CECM	April 2022
16	Maintenance Standards	Develop maintenance standards	Roads Department	November 2021
		Submit to CECM for approval	Roads Department	December 2021
		Disseminate to road agencies	CECM	January 2022
		Establish modalities for monitoring quality		January 2022 on

Section of Act	Summary of subject	Implementation activities	Responsibility	Timescale
			Roads Department	
22	Permit to operate public transport service	Draft regulations for enactment Publish regulations	Transport Department CECM	June 2021 September 2021
24	Bus route plan	Prepare current matatu operating plan Prepare desired plan of BRT and matatu routes	Transport Department Transport Department	October 2021 January 2022
25	Bus terminals	Prepare schedule of bus terminals Designate terminals	Transport Department CECM	July 2021 August 2021
29	Fare Guide	Draft regulations for enactment Publish regulations	Transport Department CECM	May 2021 August 2021
31	Facilities for disabled passengers	Invite bus operators to forums to develop options	CECM	From September 2021
34	Motor cycle taxi permits	Draft regulations for enactment Publish regulations	Transport Department CECM	June 2021 September 2021
36	Designation of cycle lanes	Prepare cycle network Designate cycle lanes Provide signs and markings Sensitise and publicity	Transport Department CECM Direct labour CECM	October 2021 November 2021 February 2022 March 2022
40	Utility Database	Identify utility companies Draft communication	Public Works Department PWD	July 2021 August 2021

Section of Act	Summary of subject	Implementation activities	Responsibility	Timescale
		Issue communication	CECM	September 2021
		Collate responses	PWD	December 2021
		Develop data base	PWD	July 2022
41	Application for a utility company to undertake works on a public road	Draft regulations for enactment	Transport Department	June 2021
		Publish regulations	CECM	September 2021
42	Designation of truck park	Draft regulations for enactment	Transport Department	June 2021
		Publish regulations	CECM	September 2021
43	Traffic Impact Assessments	Draft Regulations and guidelines for NCCG and developers	Transport Department	July 2021
44	Commuted sums	To be included in the above		
46 to 49	Designated parking bays	Draft Parking policy to be put before Assembly	CECM	August 2021
51	Car park licensing	Draft regulations for enactment	Transport Department	January 2022
		Publish regulations	CECM	March 2022
52	Congestion charge	Draft regulations for enactment	Transport Department	March 2022
		Publish regulations	CECM	May 2022
59	Car Parking standards	Draft parking standards for various land uses and areas of the city	Transport Department	December 2021
		Publish in the Gazette	CECM	February 2022
60	Standards for street lighting	Draft standards	Roads Department	November 2021
		Disseminate standards to all road agencies	CECM	January 2022
61	Billboards	Draft regulations for enactment	Roads Department	March 2022

Section of Act	Summary of subject	Implementation activities	Responsibility	Timescale
		Publish regulations	CECM	May 2022
62, 63	Low Emission Zone	Designate low emission zone	CECM	December 2021
64	Entry to low emission zone	Draft parking standards for various land uses and areas of the city Publish in the Gazette	Transport Department CECM	After Assembly elections
65	Non-motorised transport	Draft Status report Submit to Assembly	Transport Department CECM	February 2022 March 2022

DAY 2 OF THE WORKSHOP

3.1 PRESENTATION: NMT

3.1.1 Introduction

On 1st July 2021, the workshop was facilitated by Eng. Kimathi Njiru who took the Members through aspects of the Non-Motorized Transport (NMT) in the County including situational analysis, plans and milestones.

3.1.2 NMT Policy

The meeting was informed that NMT is the oldest and most basic form of human transportation. It presents better alternative to most modern modes of transportation since it is non-polluting, requires little infrastructure, and is integral to the health of individuals and their communities. However, the integration of infrastructural necessities into the existing means, especially roads, has not matched expectations in recent years. However, with the passage of the NMT policy, the County and the NMS recently have embraced an integrated approach to infrastructural development.

The meeting also noted that the objectives of the NMT policy were to increase mobility and accessibility; Increase transport safety; Improve amenities for NMT; Ensure that adequate funding/investment is set-aside for NMT infrastructure and allocation of 20% of RPWT budget. It therefore proposes an integrated and all-inclusive transport system in which the NMT users are provided with appropriate space and facilities to enjoy their freedom of safe movement, which is a fundamental human right.

3.1.3 Situational analysis

The situation has, until recently been that transport system is basically road-based, and more oriented to private car use, the infrastructure required by the many NMT users is lacking, or in very poor state and incomplete when provided, encroachment into NMT spaces and lack of enforcement due to lack of legislative and policy backing.

To achieve the foregoing policy objectives, the NMS outlined the following road map:

Objective	Output	Outcome
Increase mobility and accessibility;	Safe and cohesive pedestrian facilities (footpaths, etc) from 500. km to 1,500 km	Increased modal share of walking` from 47. to 50 for trips up to 5 km by 2025;
	Cohesive cycle network of lanes, tracks and destination facilities from 50km to 1,000km	Increased modal share of cyclists from 2% to 10% for trips up to 15km by 2025;
Improve transport safety and security;	Safe NMT crossings: Pedestrian signals from 185 to 500 Footbridges and underpasses from 27 to 50. Marked and visible crossings from 150 to 500 Working street lights	Reduced pedestrian fatalities from 500 to 50 or less by 2025. Reduced cyclist fatalities from 20 to 5 by 2025.

In the formative plenary, the meeting pointed out that in the policy itself, there are a number of aspects that need to be put in place in order to fully realize the benefits of the provisions. These include establishment of bodies, allocation of budget, passage of relevant laws and plans. In view of this, the facilitator with the concurrence of the meeting, agreed on the following action plan going forward:

Action Plan	Status
Development of a Nairobi Streets and Roads Design Manual (NSRDM) to guide planning, design and management of all transport facilities and amenities within the County, in line with the adapted “Complete Streets” principles;	Developed by the ministry of transport with support of NTDP

Development of master plans for pedestrian, cyclists	Developed by NaNATA
Passing the necessary by-laws to enable proper planning, effective enforcement, adequate funding and effective land use planning and control	Nairobi County Transport bill has been enacted by Nairobi City County Assembly

The meeting also noted with commendations that the NMS has plans to have the entire County inter-linked with end-to-end NMT facilities by implementing the following corridor-based approaches that can be categorized in three:

1. Aesthetics, comfort and attractiveness – Focus is on rehabilitation of the existing NMT infrastructure in the City
2. Barriers and Missing Links – The removal of barriers and provision of missing links, taking to consideration links to public transport facilities, connection between low income areas to social and economic areas like industrial areas, Schools, Markets
3. Safety and Security – construction of NMT facilities on roads that have high pedestrian and cyclist volumes, provision of safe pedestrian crossing points, introduction of traffic calming measures, rehabilitation of foot bridges, lighting of NMT corridors

In particular, the following are the focus areas for rolling out of NMT projects:

CORRIDOR/PROJECT	STATUS
Upper Hill (Community) – Uhuru park – City Hall way – Luthuli– Ngara Road – Park Road PTF	<ul style="list-style-type: none"> • Uhuru park section - Under rehabilitation • City Hall way Section – Rehabilitation to commence • Luthuli Avenue – Pedestrianization is complete • Ngara Road – Rehabilitation is complete • Park Road – Rehabilitation Works is complete
Kibera to Industrial Area: Mbagathi – Langata – Enterprise Road	<ul style="list-style-type: none"> • Lusaka Road has been constructed under the Missing Links Project • Enterprise Road – Lusaka Road (Part) – Works are at procurement stage

Kawangware – Westlands/Waiyaki Way: (1) Chalbi drive – Isaac Gathanju – Mugumo – Olenguruone – Ring Road Kileleshwa – Ring Road Westlands (15 km)	<ul style="list-style-type: none"> • Under procurement
Park Road – Ngara Road – Ring Road – Kamunkunji	<ul style="list-style-type: none"> • Works are complete
Rehabilitation of Walkways in the CBD	<ul style="list-style-type: none"> • Parliament Road, Turbman Street, Market street – Rehabilitation work is on-going • Moi Avenue, City hall way, Koinange street – Project is at procurement stage • Pedestrianization of Mfangano street – Project is under procurement • Rehabilitation/Construction of NMT facilities along Kenyatta Avenue, Wabera Street and Mama Ngina Street – Works are ongoing • CBD – Kenneth Matiba Road – Ngara - Works to commence
Juja road corridor to the CBD from Dandora - Outer Ring – Ring Road Ngara – Race course	<ul style="list-style-type: none"> • At design stage as part of BRT Line 3
Mathare – Pangani – City Park Market – Highridge - Westlands	<ul style="list-style-type: none"> • Work to commence
Mathare area 4 – Thika Road (Walkway)	<ul style="list-style-type: none"> • Works are complete
Jogoo Road – Ladhies Road - River Road	<ul style="list-style-type: none"> • Jogoo Road NMT – Under rehabilitation by KURA • Ladhies Road NMT – Under Rehabilitation by KURA • River Road and Tom Mboya Street NMT – Works to commence
Marking of pedestrian crossing points	<ul style="list-style-type: none"> • Work are ongoing

Signalization of pedestrian crossing points	<ul style="list-style-type: none"> • Pilots implemented on Harambee avenue and City Hall way • ITS project design review under review in collaboration with KURA
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DAY 3 OF THE WORKSHOP

4.1 PRESENTATION: CAPITAL PROJECTS

4.1.1 Introduction

On 2nd July 2021, the workshop was facilitated by Eng. Bob Ariemba who took the Members aspects roads in the County. He outlined the status of existing projects (capital and WDF) and plans for FY 2021/2022.

The meeting was informed that when the NMS came on board, there were challenges that the sector was facing and most of which retarded the realization of the key objectives of the sector. Key amongst them was backlog of rolled over projects, untransferred projects, human resource shortage and equipment shortage. However, the NMS has since worked its way out with the support of the National Government organs and agencies to have the Kangundo Road Asphalt plant in place and operational. It can produce sufficient amounts of asphalt that enables the agency's in house team undertake lots of works within a limited period of time. In addition, the NMS has since rehabilitated most of the equipment that that had stalled including tippers, earth movers, graders e,tc. These equipment have been instrumental in the works that have been achieved recently and will be crucial in reduction of time spend on planned works. Therefore, by deploying a two-pronged strategy of utilizing the in-house team and tendering, the NMS is set to make the greatest impact in the estates after conclusion of the works that have been ongoing in the Central Business District (CBD).

The following Table presents the situational analysis of the state of roads in the County:

Surface Type	Length (Km)	Desired in Next 5 Years(Km)	% Increase
Paved	1,000	1,500	50
Surface Dressed	450	800	60.

Gravel	732	400	-37
Earth	1,000	900	-17
Total	3,182	3600	

4.1.2 Milestones

The meeting was also informed that due to revamping of the in-house teams, the following milestones have been achieved:

In Mukuru the NMS have been carrying out improvement works including:

- 5.0km of roads done
- 8.0km storm water drainage done

In the Central Business District, the NMS has re-carpeted 40.32km and the following public transport facilities receiving more attention towards completions: Green Park Terminus, Park Road Terminus and Westlands Terminus.

In terms of performance of projects over the years, the following comparative analysis was presented:

Financial Year	No. Procured	No. of Projects Completed	No. of Projects Ongoing/stalled	No of Terminated Projects
2014-2015	24.0	11.0	12.0	1.0
2015-2016	20.0	3.0	13.0	2.0
2016-2017	28.0	8.0	18.0	2.0
2017-2018	21	14	6.0	0.0
2018-2019	10	1.0	9.0	0

In addition, since 2015 to 2019, the meeting was presented with the following status report with regards to bridges and box culverts: That out of the to 25 projects, 12 were complete, 11 were either ongoing or stalled and 2 were terminated. In FY 2019/2020, there were 154 projects out of which 85 were advertised and under evaluation and 69 are yet tom be advertised. In FY 2020/2021, 17 storm water projects, 11 NMST projects and 21 PTFs were proposed. The meeting was also presented with the detailed report from 2014 to 2019 containing specific projects, length, location and current status.

In the plenary, the meeting highlighted the existing challenge of delayed resumption of capital and WDP projects that were on at the time NMS came on board. Particularly, there were concerns that the REs were withdrawn and the projects have since not resumed despite the coming to the end of the FY 2020/2021. With regards to this, the meeting was informed that the delay is a factor of untransferred projects to the NMS. It was noted that out of 73 projects, 32 had been transferred to NMS and receiving the needed attention. However, 41 are yet to be transferred conclusively. In 2021/2022, the Committee was informed that NMS was strategizing on a best approaches to have the roads in the wards outside of the CBD realize the objectives of development. It was noted that apart from the one project per ward as presented to the Committee during the consideration of the budget estimates, major works will be undertaken in the wards and Members of the Assembly were requested to be patient as the agency works out on its plans for the year.

At this point, discussions centered on the possibility of terminating the non-performing projects then subjecting them to in-house strategy and have them completed in record time in the interest of the public. It was therefore agreed that the Director explores this approach with advice from the legal department and the Committee would offer the necessary support.

4.1.3 Key Challenges

Further, the following outstanding challenges were identified:

1. Non-existence of Transport Master plan to guide roads development projects
2. Non-existence of Storm Water Drainage Master plan
3. Delay in payments to contractors and suppliers
4. There exists several missing links within the county leading to persistence traffic congestion on our roads

DAY 4 OF THE WORKSHOP

4.1 PRESENTATION: BROAD ACHIEVEMENTS, PLANS AND FOCUS

4.1.1 Introduction

On 3rd July 2021, the workshop was facilitated by the Director, Eng. Michael Ochieng on the general aspects and approaches to handling of the various challenges and broad policy directions going forward.

4.1.2 Areas of development focus hitherto

The meeting was informed that the MMS has been focused on the following areas and the agency has recorded remarkable milestones in terms of delivery on some of the projects:

- Implementing Nairobi Urban Mobility Plan: in liaison with other state agencies like Housing and Urban Development, KURA, KENHA: **remarkable progress has been made in commuter rail stations, installation of traffic signals and construction of express way and BRT.**
- 13 KM Non-Motorized Transport (Muindi Mbingu St., Wabera St. & Kenyatta Avenue): **the designing, site clearance, earthworks, drainage works, concrete/cabro laying and kerbs/channels completed or being concluded.**
- Implementing NMT along Jogoo road, Mbagathi way, Ring road, Uhuru park, Commercial street/Bunyala road, Muthurwa market and improvement of the Posta footbridge: **contracts for the projects have been advertised.**
- Rehabilitation & Reintroduction of Traffic Signals: **rehabilitation of Traffic Signals in CBD, Community area, Gikomba, Muthurwa, Kirinyaga Road & environs, Murang'a Road matatu terminus and Kenyatta National Hospital 80% complete and the traffic command centre at police HQ near intergrity centre activated and currently rehabilitating the fiber cables and power cables and traffic cameras**
- Automated, hourly car parking facilities in 3 areas in Nairobi: **5% done with 2 additional car parks Desai, Park road have been included in the automation; Automated Parking at Machakos Bus Station (along Landhies Road), automated Sunken Car Park (along Aga Khan Walk) and automated Parking at Nairobi Law Courts (along City Hall Way). NMS collaborated with State Department of Housing and Urban Development to amend Kenya railways station contracts to install the facilities and advised on its integration with Nairobi revenue service programme**

- Re-carpeting of CBD roads: **Re-carpeted 27km of roads in CBD with most completed and a few being concluded, i.e City Hall Way-100% complete, Racecourse Road-100%, River Road-100%, Accra Road-100%, Kimathi Street-100%, Kijabe Street-98%, Kirinyaga Road-98% and Moi Avenue-70% complete.**
- Construction Of Kagundo Road Asphalt Plant: **98% currently to be completed in 2 months**
- Construction of Roads at Mukuru Informal settlement: Construction of 53.1 KM of roads in the area is 70% complete.
- Implementation of Kazi mtaani initiative on drainage cleaning and solid waste management: **10,000 youths engaged**
- Improvement of informal settlements: the following table summarizes the milestones achieved towards the objective:

No.	Main Area	Informal Settlement	Length (kms)
1	Mukuru	Kwa Njenga	70
		Kwa Reuben	
		Viwandani	
		kayamba	
2	Dandora	Dandora	40
3	Dagoreti	Kangemi	41
		Kawangware	22.6
		Kona, Riruta, Waithaka	30
4	Kibera	Kibera	22.8
5	Karogocho/Ngomongo	Karogocho/Ngomongo	13.6
6	Mathare	Mathare	18.2
7	Roysambu	Zimmerman, Kahawa West, Githurai 44	50.76
8	Githurai	Mwihoko and Githurai 45	57.48
9	Kasarani	Kasarani and Mwiki	42
		Total	408.44

- Kenya roads Board approved works

During Plenary, discussions centred on the possible focus on certain areas at the expense of others, financing, engagement of youths from outside project areas, completion of ongoing/stalled projects, operation of Greenpark terminus,

implementation of multi-deck parking, actualization of WDP projects and FY 2021/2022 tendering, conflict of interest by public officers in public transport, encroachment on public transport facilities, need for dedicated enforcement team, decongestion of CBD and political interference.

The Director commented as follows on the forgoing emerging issues:

- On alleged discriminatory development, he stated that the NMS was concluding the CBD works and will move to other wards thereafter and that the ongoing works in the informal settlements such as Mukuru are funded by donors;
- On engagement of youths, he stated that going forward, the NMS will endeavour to engage youths from the project area;
- On non-performing projects, he requested the support of the Committee upon legal advice to have some if not all terminated and undertaken afresh;
- On operation of Green Park Terminus, he stated that dry runs had been undertaken and the challenges identified and are being addressed including deliberate interference/sabotage by public officers with interests in public transport;
- On WDF, the meeting was informed that with the County Management Committee in place, the fund had been operationalized and received Ksh. 500 Million to cater for payment of certificates and additional Ksh.66 M towards County pending bills expected to be released into WDF account;
- On RMLF, he requested for a sit together between the Committee and County Executive to have the RMLF fund operationalized to have 622 M from the Roads Board utilized;
- On encroachment on public transport facilities, the Director informed the meeting that the directorate will make efforts together with enforcement department to have such encroachments removed; the department to also request a dedicated team of enforcement officers and requested support of the Committee on politically sanctioned encroachments; and
- On decongestion, the director indicated that there is an existing moratorium on issuance of pick/drop letters to more PSV operators and was being enforced. Further, the NMS to liaise with NTSA on issuance of licenses on already congested routes.

5.1 CLOSING OF WORKSHOP

5.1.1 Closing remarks

The Chairperson of the Committee, on behalf of the Committee, thanked the NMS Directorate of Roads, Transport and Public Works for agreeing to plan for the workshop that had seen fruitful engagements and remarkable resolutions that would help in ensuring that the broader objective of enhancing mobility and development in the County is realized in the fullness of time. He also commended the NMS for the evident works that are ongoing in the County and believed that once they move to the Wards, the people and their representatives will be happy.

The Director on the other hand, on behalf of the directorate and NMS, expressed his gratitude to the Committee for the thought to have a sit together towards the end of the financial year to take stock and plan. He looked forward to the support of the Committee and engagements going forward in the interest of the public. He then officially closed the workshop.

5.1.2 Way Forward

1. The NMS to engage youths from project areas going forward;
2. The Director, with the endorsement of the Committee and legal advice to assess the remaining 41 non-performing projects with a view of terminating some of them and undertaking them afresh;
3. The Director to engage his counterpart in enforcement with a view of having a dedicated enforcement team to handle sector issues such as encroachment, misuse of NMT by PSVs, motorcycles and traders e.t.c
4. The Committee to shield the agency from political interference during removal of encroachments on public transport facilities and reserves;
5. The directorate to furnish the Committee with periodical reports on progress on implementation of projects and involve the Committee on matters and engagements on public transport and roads;
6. The Directorate to strictly enforce the moratorium on issuance of pick/drop letters and liaise with NTSA on further licensing of PSV operators;
7. The NMS with County Executive to forward relevant documents (policies and regulations) needed to operationalize the Nairobi City County Transport Act; and
8. The Committee to convene a meeting to resolve the Road Maintenance Levy Fund stalemate.

MINUTES OF THE (VIRTUAL) JOINT SITTING OF THE SELECT COMMITTEE ON
TRANSPORT AND PUBLIC WORKS HELD ON MONDAY 16TH AUGUST, 2021 AT 4.00
PM

PRESENT: -

1. Hon. Fredrick Njogu, MCA - Chairing
2. Hon. James Mwangi Wambui, MCA - Chairperson
3. Hon. Husni Lawi, MCA
4. Hon. Osman Adow, MCA
5. Hon. Anthony Gatune, MCA
6. Hon. Kennedy Oyugi, MCA
7. Hon. Mark Mugambi, MCA
8. Hon. Jared Okode, MCA
9. Hon. John Kamangu, MCA

ABSENT:-

1. Hon. Evans Otiso, MCA
2. Hon. Hafsa Khalif, MCA
3. Hon. Nicholas Okumu, MCA
4. Hon. Abdi Hassan, MCA
5. Hon. Osman Khalif, MCA
6. Hon. Asli Mohammed, MCA
7. Hon. Peter Wanyoike, MCA
8. Hon. Stazo Omung'ala, MCA
9. Hon. John Kamau, MCA
10. Hon. Geoffrey Majiwa, MCA
11. Hon. Mary Ariviza Mwami, MCA
12. Hon. Wilson Ochola, MCA
13. Hon. Patricia Mutheu, MCA
14. Hon. Geoffrey Ng'ang'a, MCA
15. Hon. Mark Ndung'u, MCA
16. Hon. David Ayo, MCA
17. Hon. Beatrice Gakuru, MCA

SECRETARIAT:

1. Mr. Austin Inyundele – Senior Clerk Assistant
2. Mr. Benedict Ochieng' - Clerk Assistant
3. Ms. Daisy Ngao - Researcher

AGENDA

1. Prayers
2. Adoption of Agenda
3. Consideration and adoption of report of the Committee for the retreat held in between the Committee and NMS directorate on Roads, Transport and Public Works.(Part 2)
4. AOB & Adjournment

MIN.0157/T&PW /AUG/2021 – Preliminaries

The Ag. Chairperson called the meeting to order at 4:00 pm and opened the meeting with a word of prayer. He then read the agenda of the day which was adopted and proposed by Hon. Antony Gatune, MCA and seconded by Hon. Husni Alawi, MCA.

MIN.0158/T&PW/AUG/2021: Consideration of draft report of the Committee for the retreat held in between the Committee and NMS directorate on Roads, Transport and Public Works. (part 2)

The meeting was informed that from the previous meeting, the Committee had considered the first part of the report and that the meeting resolved that subsequent meeting only considers the highlights. The detailed discussions on the report would take place during the scheduled retreat of the Committee in September 2021.

The Ag. Chairperson thereafter invited the Clerk of the Committee to lead the Members in reading through the report.

In the report, the NMS presented the progress report on the implementation of non-motorized transport policy that was passed by the Assembly in 2017 and the various salient structures that need to be put in place to have the policy operational. The NMS also presented details on the status of implementation of capital and WDP projects in the County and a report on the challenges being faced by the agency in having them implemented effectively.

Further, the NMS presented a broad perspective of their plans, achievements and objectives in the long term to make the County a better place for Kenyans.

In the closing, the following were the resolutions of the meeting:

1. The NMS to engage youths from project areas going forward;
2. The Director, with the endorsement of the Committee and legal advice to assess the remaining 41 non-performing projects with a view of terminating some of them and undertaking them afresh;
3. The Director to engage his counterpart in enforcement with a view of having a dedicated enforcement team to handle sector issue such as encroachment, misuse of NMT by PSVs and motorcycles and traders e.t.c
4. The Committee to shield the agency from political interference during removal of encroachments on public transport facilities and reserves;
5. The directorate to furnish the Committee with periodical reports on progress on implementation of projects and involve the Committee on matters and engagements on public transport and roads;
6. The Directorate to strictly enforce the moratorium on issuance of pick/drop letters and liaise with NTSA on further licensing of PSV operators;
7. The NMS with County Executive to forward relevant documents (policies and regulations) needed to operationalize the Nairobi City County Transport Act; and
8. The Committee to convene a meeting to resolve the RMLF stalemate.

The Ag. Chair thanked the Clerk of the Committee for the elaborate presentation of the discussions and the Committee noted that the implementation plan was comprehensive. The Committee therefore adopted the report having been proposed by Hon. Husni Alawi, MCA and seconded by Hon. Athony Gatune, MCA.

MIN.0159/T&PW/AUG/2021 – Adjournment and date of next meeting

The Committee having dispensed the business of the day and the time being 4.38 p.m, the Ag. Chairperson adjourned the meeting. The date of next meeting would be communicated by notice.

CONFIRMED TO BE TRUE RECORD OF THE PROCEEDINGS

CHAIRPERSON 

1/12/2021.....

SECRETARY 

1st Dec. 2021.....

