

GOVERNMENT OF NAIROBI CITY COUNTY



THE NAIROBI CITY COUNTY ASSEMBLY

OFFICE OF THE CLERK

THIRD ASSEMBLY

(SECOND SESSION)

NCCA/TJ/PL/2023(62)

9<sup>TH</sup> AUGUST 2023

PAPER LAID


SUBJECT: REPORT OF COMMITTEE

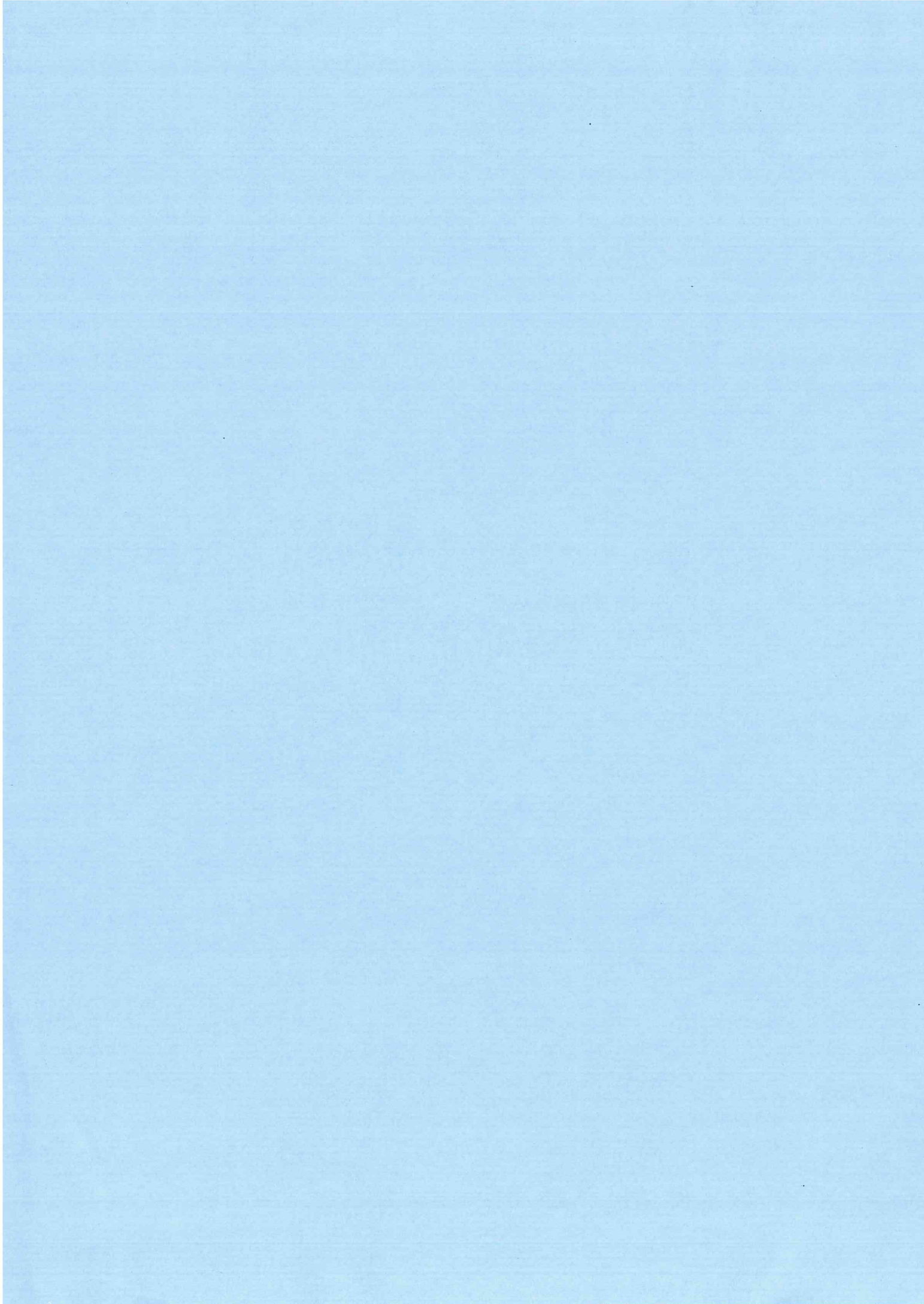
Pursuant to Standing Order 196, I beg to lay the following Paper on the Table of this Assembly, today Wednesday 9<sup>th</sup> August 2023.

— THE REPORT OF THE SECTORAL COMMITTEE ON TRANSPORT AND PUBLIC WORKS ON WORKSHOP HELD FROM 17<sup>TH</sup> TO 20<sup>TH</sup> MAY 2023 AT MAXLAND HOTEL, KIAMBU COUNTY.

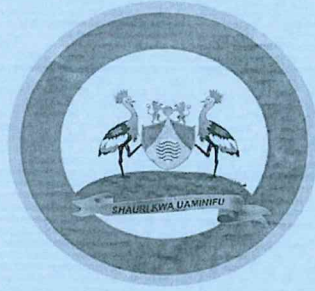
*(Chairperson, Sectoral Committee on Transport and Public Works)*

Copies to:  
The Speaker  
The Clerk  
Hansard Editor  
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The Press

Papers laid by the  
Chairman, Transport and  
Public Works on 9<sup>th</sup> Aug 2023  
  
9/8/23



GOVERNMENT OF NAIROBI CITY COUNTY



THE NAIROBI CITY COUNTY ASSEMBLY

OFFICE OF THE CLERK

THIRD ASSEMBLY

(SECOND SESSION)



NCCA/TJ/PL/2023(62)

26<sup>TH</sup> JULY 2023

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PAPER LAID

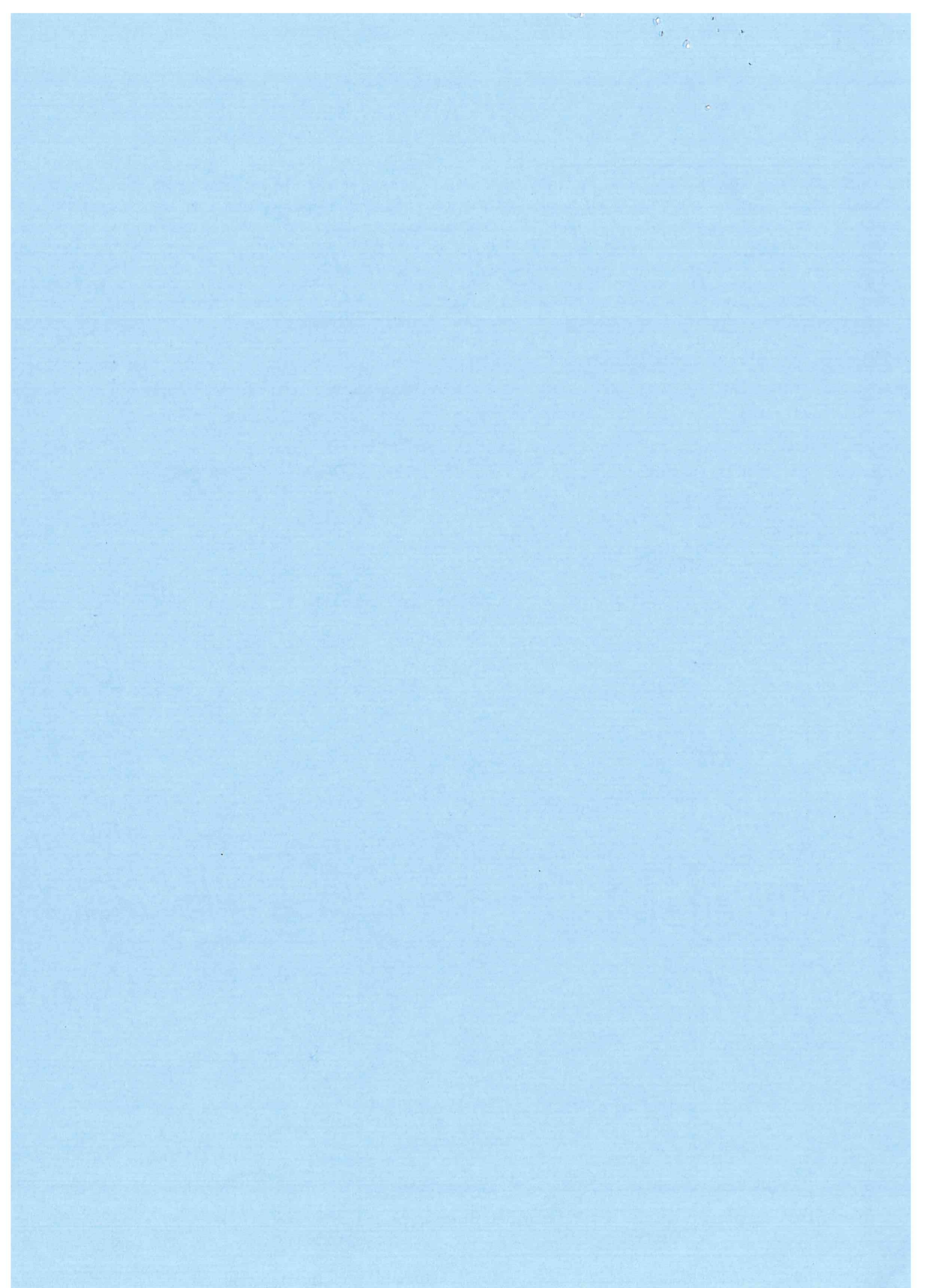
SUBJECT: REPORT OF COMMITTEE

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

— THE REPORT OF THE SECTORAL COMMITTEE ON TRANSPORT AND PUBLIC WORKS ON WORKSHOP HELD FROM 17<sup>TH</sup> TO 20<sup>TH</sup> MAY 2023 AT MAXLAND HOTEL, KIAMBU COUNTY.

*(Chairperson, Sectoral Committee on Transport and Public Works)*

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THE GOVERNMENT OF NAIROBI CITY COUNTY



NAIROBI CITY COUNTY ASSEMBLY  
(SECOND ASSEMBLY – SIXTH SESSION)

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REPORT OF THE SECTORAL COMMITTEE ON TRANSPORT AND PUBLIC WORKS  
FOR THE WORKSHOP HELD FROM 17<sup>TH</sup> TO 20<sup>TH</sup> MAY 2023  
AT MAXLAND HOTEL, KIAMBU COUNTY

CLERK'S CHAMBERS,  
NAIROBI CITY COUNTY ASSEMBLY  
CITY HALL,  
NAIROBI.

Paper laid on the table  
of the Assembly by the  
Chairperson, Transport  
and Public Works -  
9th Aug, 2023  
JUNE 2023

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## 1.1 PREFACE

### 1.1.1 Committee Mandate

Hon. Speaker,

The Sectoral Committee on Transport and Public Works is established pursuant Standing Order No. 209, and its mandate amongst others, as outlined under the third Schedule includes *to investigate, inquire into and report on all matters related to County transport, including County roads, street lighting, traffic and parking, public road transport, County public works and services including storm water management systems in built-up areas.*

### 1.1.2 Committee Membership

Hon. Speaker,

The Committee on Transport and Public Works is composed of 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

### 1.1.3 Background

The Committee held a two-day workshop from 17<sup>th</sup> to 20<sup>th</sup> May, 2023 in Kiambu. The objective of the workshop was to enable the Committee to undertake the following;

- a. Review the Nairobi City County Transport Act, 2020 and modalities of its implementation; and
- b. To enable Members appreciate the law making process

This will acquaint Members with the provisions of the Act and in turn enable the Committee recommend budgetary allocation for the implementation of the Act. Further, the Members' knowledge on the legislative process and scrutiny of Bills will be enhanced and new approaches learnt to enable the Committee produce output that will have impact on the process and by extension, to the residents of the County. The workshop was expected to culminate into this report detailing the deliberations held and the way forward.

### 1.1.4 Acknowledgement

Hon. Speaker,

The Committee takes this opportunity to thank the Offices of the Speaker and of the Clerk of the County Assembly for the logistical support accorded to it in the execution of its mandate. Further, the Committee extends its gratitude to the Secretariat for their contribution during and after the workshop and in the compilation of this report.

Finally, on behalf of the Sectoral Committee on Transport and Public, it is my pleasure and duty to present to the Assembly, the Committee's workshop report pursuant to the Standing Orders of the County Assembly.

Thank you.

Signed  .....

Hon. Maithya Musango, MCA  
(Chairperson)

Sectoral Committee on Transport and Public Works

Dated this 22<sup>nd</sup> day of June 2023

B



## DAY 1 OF THE WORKSHOP

### 2.1 PRESENTATION: Nairobi City County Transport Act, 2020

#### 2.1.1: Introduction

The workshop was officially opened by the Chairman Hon. Maithya Musango, MCA. The Chairman then welcomed and invited the Members and the secretariat to introduce themselves and subsequently urged Members to actively participate in the proceedings to understand and scrutinize the provisions of Nairobi City County Transport Act, 2020.

Mr. Austin Inyundele, Senior Clerk Assistant, took the Members through the Nairobi City County Transport Act as follows:-

- i. Section 1 provides that the above Act may be cited as the Nairobi City County Transport Act, 2020.
- ii. Section 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. Section 4 provides that this Act applies to roads and transport system in the County.
- iv. Section 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.

The Act further provides 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. Section 6 of the Act provides for partnerships and cooperation of the County Executive Committee 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; and
  - c. Other concerned Counties.

vi. Section 7 provides that every five years the County Executive Committee Member shall, after consultation with the stakeholders at the National and County level prepare a Capital City Transport Plan.

— Section 7 (2) provides that the Plan shall be consistent in timing and content with the County Integrated Development Plan (CIDP) and National Transport Policy

— Section 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; and

(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.

Section 7 (4) of the Act also provides that the County Executive Committee Member shall present the plan to the County Assembly for its approval.

vii. Section 8 of the Act provides arrangements for the Executive Committee Member in consultation with the County Public Service board to ensure that the following positions are established and filled and these are:-

(a) Chief Officer, Transport and Planning; and

(b) Chief Officer, Infrastructure and Public Works.

- Section 8 (2) of the Act further states that no person shall occupy both posts in subsection (1), in an acting capacity.
  - Section 8 (3) provides that the Chief Officer, Transport and Planning shall have three Directorates responsible for Transport Policy, Transport services and Parking Services respectively.
- viii. Section 9 provides that there shall be established a Transport Planning Advisory Committee.
- Section 9 (1) of the Act provides the Members of this Committee as mentioned below:
    - (a) The County Executive Committee Member;
    - (b) The Principal Secretary, State Department for Transport or a person nominated by the Principal Secretary;
    - (c) The Chief Office, Transport and Planning;
    - (d) The Chief Officer, Infrastructure and Public Works;
    - (e) The Principal Secretary, State department for infrastructure or a person nominated by the Principal 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 County Executive Committee Member (ex-officio);
    - (l) A representative of the transport industry, appointed by the County Executive 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); and
    - (o) Any other persons or representative of stakeholders that the Committee Members may co-opt as ex-officio Member
  - Section 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.

- Section 9 (4) of the Act provides that the function of the committee shall be to advise the County Executive 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;
  - Section 9 (5) provides that Members of the committee may be reimbursed for the attendance at committee meetings in accordance with the directions of the County Executive Committee Member; and
  - Section 9 (6) provides that the committee shall be established within one month of the operationalization of this Act.
- ix. Section 10 of the Act provides for the establishment of the Nairobi City County Transport Management Fund.
- Section 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 a 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; and
    - (e) Assets donated to the Fund by any foreign government, international agency or other external body of persons or corporates.
  - Sections 10 (3) proposes that the fund shall be managed by the Chief Officer, Transport and planning;
  - Sections 10 (4) provides that monies of the Fund shall be deposited in a separate bank account.
  - Section 10 (5) states that the accounts of the Fund shall be audited annually by an auditor appointed by the Assembly.
  - Section 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.
  - Section 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. Section 11 of the Act provides for the identification of County roads as follows;

That the County Executive Committee 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; and
- (e) The road name.

— Section 11(2) of the Act states that County Executive Committee Member 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.

— Section 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. Section 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 the road with a public road following the approval of the County; and
- (b) Seek the adoption of the County for the road to be declared a County public road.

— Section 12(2) of the Act 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; and
- (b) The County Executive Committee Member grants an approval.

xii. Section 13 of the Act provides that a road reserve shall be the designated area on a fixed distance on either side of the centerline of the road.

— Section 13 (2) of the Act provides that the fixed distance in subsection (1) shall be determined in accordance with Regulations and may vary depending on the class of Road.

— Section 13 (3) states that despite subsection (2), the minimum a fixed distance on each side of the centerline of any class of road shall be nine meters.

— Section 13 (4) provides that the County shall place physical marks on road reserves.

xiii. Section 14 of the Act provides for designation of Road reserves. Section 14(1) provides that a road reserve designated under this Act shall have the effect of reserving the strip of land described in such notice for road purposes.

— Section 14 (2) states that no person shall undertake any activity on a road reserve except the construction of a road.

- Section 14 (3) provides that the County Executive Committee Member may permit limited use of the land reserved for road subject to such conditions as may be imposed.
  - Sub-Section 14 (4) of the Act states that a person who contravenes the provisions of Sections 14 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. Section 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.
- Section 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; and
    - (c) Be consistent with the Capital City Transport Plan.
  - Section 15 (3) states that any public agency engaged 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 Act affecting the existing roads
    - (c) Modifications to junctions of existing roads
    - (d) Changes to the management of any roads under the Kenya Roads Act, 2007
  - Section 15 (4) of the Act provides that a road development plan approved by the County Assembly shall be published and publicized.
- xv. Section 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.
- Section 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.
  - Section 16 (3) of the Act provides that standards set under subsection (1) and (2) above may
    - (a) Vary by class of road
    - (b) Include construction, drainage and safety issues.
- xvi. Section 17 of the Act 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.
    - Section 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.
- xvii. Section 18 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.
  - Section 19 (2) of the Act provides that if in the opinion of the County Executive Committee Member any road under the jurisdiction of any road agency other than the County government, is unsafe in its design or operation, the County Executive Committee Member shall notify the agency in writing requesting for proposals to improve the road safety.
- xviii. Section 19 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; and
  - (c) Any obstruction to drainage.
- xix. Section 20 (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.
  - Section 20(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.
  - Section 20 (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.
- xx. Section 21 of the Act provides the power to remove a structure in that the County Executive Committee Member may require any person controlling a structure or a thing above or below a County road to remove it at their 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.
- xxi. Section 22 (1) provides for the approval of public transport infrastructure that a person who wishes to operate a public transport infrastructure or service in the

County shall obtain consent from the County Executive Committee Member. Section 22 (2) of the Act also provides that the County Executive Committee 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; and
- c) The County Executive Committee Member is of the opinion it may cause unreasonable disruption of public transport services in the County.

xxii. Section 23 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.

xxiii. Section 24 (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.

The Act 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; and
- c) A bus route permit has been issued by the County.

Moreover the Section 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; and
- d) Is operated by a maximum of two companies, SACCOs or operators.

— Section 24 (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) Section 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.

xxiv. Section 25 of the Act provides that the County Executive Committee Member shall designate public transport vehicle terminals in the County



The Section 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.

— Section 25 (3) of the Act 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.

xxv. Section 26 of the Act provides that (1) a registered owner of a public transport vehicle shall submit to the County Executive Committee Member a copy of the vehicle's operative timetable indicating the schedule times of arrival and departure of all services for approval.

— Section 26 (2) of the Act provides that 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 station.

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

xxvi. Section 27 of the Act provides that a public transport vehicle shall only pick up or drop passengers at a designated bus stop.

— Section 27 (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.

— Section 27 (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.

xxvii. Section 28 of the Act provides that a registered owner of public transport vehicle using a bus station shall pay to the County fees prescribed.

— Section 28 (2) provides that a person shall park a public service vehicle at a bus station for the purpose of picking and dropping passengers upon payment of the required fees

— Section 28 (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.

- xxviii. Section 29 of the Act provides that a public service vehicle operator shall develop a fare guide based on sub-section 25(3) b
- Section 29 (2) states that a fare guide will be displayed at a location that is visible to all passengers.
  - Section 29 (3) states that a passenger shall not be required to pay a fare that exceeds the amount displayed on the vehicle.
  - The Section 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.
- xxix. Section 30 of the Act provides that no person shall through use of force, intimidation or threats 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.
- xxx. Section 31 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.
- Section 31 (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; and
    - c) Vehicles with a capacity of over thirty- five passengers to have three designated seats.
- xxxi. Section 32 of the Act provides that if a public transport vehicle becomes defective during a journey or for any reason is unable to proceed with the journey to the outlined destination, the operator shall provide-
- a) Provide an alternative vehicle within a reasonable time; and
  - b) An adequate refund of fare for the remainder of the journey.
- Section 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.
  - Section 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.
- xxxii. Section 33 of the Act provides prohibited activities in 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; and
- h) Any other Activity prohibited by law.

— Section 33 (2) further states that a person who contravenes this Section commits an offence and is liable to a fine not exceeding twenty thousand shillings.

xxxiii. Section 34 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; and
- b) Comply with National traffic legislation.

— Section 34 (2) of the Act provides the carrying capacity for motorcycle shall be one pillion passenger and three passengers for tuk-tuk.

— Section 34 (3) of the Act also states that a pillion passenger on a motor cycle shall be at least 13 years old.

— Section 34 (4) states that a motorcycle shall only carry passengers for commercial purposes if the operator has obtained a permit issued by the County.

— Section 34(5) provides that any motorcycle carrying passengers for commercial purposes shall operate on zonal arrangements and each zone shall have a distinct color marked by given County.

xxxiv. Section 35 of the Act provides that a County Executive Committee Member may designate any authorized officer to serve as a traffic marshal for purpose of this part.

— Section 35 (2) of the Act provides that a Traffic Marshal when pursuing their duties shall wear required uniform and carry such identification and authorization.

— Section 35 (3) of the Act provides that the duties and functions of traffic marshals shall be to:-

- a) To collect fees and charges set out under this Act;
- b) Manage traffic flow in the County roads; and
- c) Perform any other duty.

xxxv. Section 36 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.

Section 36 (2) states that no motorized vehicle shall enter a lane designated for cycling.

- xxxvi. Section 37 of the Act provides pedestrians only lane 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.
- xxxvii. Section 38 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.
- Section 38 (2) of the Act clarifies that despite subsection (1), the following vehicles are exempt-
    - a) Police cars and motorcycles;
    - b) Ambulances; and
    - c) Fire engines.
- xxxviii. Section 39 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
- Section 39(2) of the Act 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 Section subsection (3) clarifies that the County shall establish lay-bys for public transport vehicles which shall not park or block the entrance or exit of the lay by.
  - Section 39 (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.
- xxxix. Section 40 (1) the County Executive Committee Member shall cause to be prepared a record of such utilities in the County that cross or are under or are above or are on any public road or footway.
- Sub-Section 2 provides that in preparation and updating of the database in Sub-Section (1), any company or utility providing services in the County is required to provide the County Executive Committee Member with such information as may be required.
- xl. Section 41 of the Act provides that 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.
- Section 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; and
  - c) Measures proposed to ensure the smooth flow traffic and pedestrians
- Section 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 Section 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 Section 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. Section 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.

- Section 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

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

— Section 42 (4) clarifies that the County may levy a charge on trucks parking in a designated truck park.

xlii. Section 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; and
- b) A Traffic Impact Assessment Report has been submitted by the developer, proposer or owner of the building or structure.

Section 43 (2) of the Act provides that 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; and
- 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. Section 44 of the Act provides for the implementing traffic impact assessment report (1) as a condition of the planning approval the 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.
- Section 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.
  - Section 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. Section 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.
- Section 45(2) states that prior to effecting any closure, the County Executive Committee Member shall-
    - a) Publish and publicize the proposed order; and
    - b) Consider written submissions on the proposed order.
- xlv. Section 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 Section 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.
- xlvi. Section 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 Section in subsection (2) states that this section shall not apply to a public transport vehicle parked at a bus stop for the sole purpose of dropping and picking passengers.
- xlvii. Section 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.
- Section 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 vehicle or
- l) In such a manner so as to obstruct an emergency exit.

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

Subsection (4) of the same Section 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 Section also states that a vehicle that is not a taxicab shall not be parked in an area designated as a taxi zone.

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

— Section 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 Section in subsection (3) states that any vehicle parked in a permit holder bay shall visibly display such a permit on its windscreen and any person who fails to display such a permit commits an offence.

- Subsection (4) of this Section states that any permit granted does not guarantee the holder a parking space.
  - Sub-section 5 provides that the County Executive Committee Member shall provide clearly marked designated parking slots for persons with disabilities.
- xlix. Section 50 of the Act provides that a County Executive Committee Member can direct road agencies on safe parking if the opinion of the County Executive 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 County Executive Committee Member may write to the agency responsible for that road directing that parking be regulated in a manner that reduces that hazard.
- l. Section 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.
- Section 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
  - Section 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 Section 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; and
    - 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) Schools
  - d) Universities
  - e) Vocational Training Colleges and Institutes.
- li. Section 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; and
  - b) Is a public off street car park
    - Section 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. Section 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.
  - Section 53 (2) of the Act provides that when a vehicle breaks down on a road. The owner shall place an authorized hazard sign at least 10 meters behind the vehicle.
- liii. Section 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
  - Section 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. Section 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. Section 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 Section 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. Section 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.

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

The Section 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 Section subsection (5) provides that where the owner of a motor vehicle 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. Section 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.

— Section 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.

— Section 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.

— Section 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 Section subsection (5) states that where the owner of a motor vehicle contravenes this section the County Executive Committee 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. Section 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.

— Section 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. Section 60 (1) of the Act provides street lighting that the County shall install and maintain streetlights on all its roads.

The same Section subsection (2) states that in installing the streetlights, the County shall prioritize the roads guided by the criteria for-

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

— Section 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 the County to standards and criteria that the County Executive Committee Member may from time to time determine.

lx. Section 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. Section 62 (1) 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) Upon payment of the prescribed fee.
  - Sub-Section two provides that no sign, advertisement or board may be erected on street or public lighting pole except:
    - a) On approval by the County Executive Committee Member on application made through a prescribed form
    - b) Upon payment of the prescribed fee
- lxii. Section 63 (1) of the Act provides that the County Executive committee Member may designate any area of County to be a low emission zone. The Section also state in subsection (2) that the designation of a low emission zone shall be published and publicized.
- lxiii. Section 64 (1) states that within a period of fifteen years from enactment of the Act, 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.
  - Section 64 (2) of the Acts further states that any vehicle in contravention of this Section is liable to a penalty of fifty thousand shillings or imprisonment of a term not exceeding one year or both
- lxiv. Section 65 (1) of the Act states that within five years from enactment of the Act, 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; and
  - b) The appropriate low emission zone fee has been paid for that vehicle in accordance with Regulations
  - c) The vehicle is exempted from the low emission fee in accordance with Regulations
  - Section 65 (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.
  - Section 65 (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.
- lxv. Section 66(1) of the Act provides that every two years the County Executive Committee Member shall prepare and submit to the Assembly a report on the status of non- motorized transport in the County
  - This Section under subsection (2) states that in preparing the report that the County Executive 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.
- lxvi. Section 67 (1) of the Act states that the County Executive Committee Member shall make guidelines for non-motorized transport.  
Section 67 (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; and
  - h) Safe movement of rickshaws and handcarts.
- Section 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.
- lxvii. Section 68(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.

The Chairperson, on behalf of the Committee thanked the Secretariat for the elaborate presentation. However, the Committee was concerned with the slow pace of operationalization of the Act, more so, the formulation of relevant Regulations. The Committee resolved to hold a meeting with the Sector in order to be furnished with a progress report on the same.

## DAY 2 OF THE WORKSHOP

### 3.1 PRESENTATIONS: THE LEGISLATIVE PROCESS

#### 3.1.1 Introduction

On 19<sup>th</sup> May 2023, the Committee was taken through the legislative process by the Senior Clerk Assistant, Mr. Austin Inyundele. The Committee was informed that the legislative process commences with a legislative proposal which is presented to the Speaker and ends at the Assent by the Governor. However, the Governor may submit his/her reservations through a memorandum to the Speaker.

#### 3.1.2 Legislative process

The Committee was taken through the law making process from the initiation to the operationalization of the enacted Law as follows: -

##### 1) Legislative Proposal or Idea for a Bill

The legislative proposal or idea for a Bill can come from several sources: Members of the Assembly, Committees of the Assembly, the Executive, professional organizations, lobbyists or individuals through a petition to the County Assembly.

##### 2) Sponsorship of a Bill

A Bill must have a Sponsor in order to be introduced in the Assembly. The Sponsor can either be a Member of County Assembly or Committee. In case of a Committee sponsorship, it will be published in the name of the Chairperson or any other Member appointed by the Committee.

##### 3) Submission of a Legislative Proposal or Idea to the Speaker

The Sponsor (a Member or a Committee) submits the legislative proposal or idea for a Bill to the Speaker. The Speaker refers the legislative proposal to the Clerk for drafting. The Clerk is to check on conformity to the Constitution and determination of money Bill status.

##### 4) The Bill Drafting Process

The legislative proposal is assigned to a legislative drafter who works closely with the sponsor or Committee to develop a draft Bill. The draft Bill, duly signed by the Sponsor, is then forwarded by the Clerk to the Speaker (whether it is a money Bill and whether it conforms to the Constitution and to the law in terms of format and style). The Speaker then directs whether to proceed with the Bill or not.

##### 5) If the Bill is not a money Bill, the Speaker

Direct that the proposal be referred to the relevant Sectoral Committee for prepublication scrutiny in case of a legislative proposal not sponsored by a Committee or that the proposal be published into a Bill, in the case of a legislative proposal sponsored by a Committee.

## **6) If the Bill is a Money Bill**

Where the Speaker is of the opinion that legislative proposal is a draft money Bill in terms of Section 21(3) the County Governments Act, 2012, direct that the legislative proposal be referred to the County Finance, Budget and Appropriations Committee and the proposal shall be proceeded with only in accordance with the recommendations of the County Finance, Budget and Appropriations Committee after taking into account the views of the County Executive Committee Member responsible for finance.

The County Finance, Budget and Appropriations Committee shall consider only the money-bill or financial aspects of the proposal and submit a report to the Speaker within twenty-one (21) days of receipt of the proposal. The report shall contain the following: -

- ❖ The views of the County Executive Committee Member responsible for finance, if any;
- ❖ A detailed examination of the manner in which the legislative proposal affects the current and future budgets and may include implications on tax measures;
- ❖ A recommendation on whether or not the proposal should be proceeded with; and
- ❖ Any other appropriate recommendation relating to money bill aspects of the proposal.

Upon receipt of the recommendations of the County Finance, Budget and Appropriations Committee, the Speaker may direct that:

- The proposal be subjected to prepublication scrutiny before the relevant Sectoral Committee in case of a legislative proposal not sponsored by a Committee; or
- The proposal be published into a bill, in the case of a legislative proposal sponsored by a committee; or
- The legislative proposal not be proceeded with.

## **7) Publication of a Bill**

Once the Speaker certifies that a draft Bill is ready for publication, the Bill is forwarded for publication by the Government Printer. Once a Bill has been published, the Clerk shall/should avail a copy for each Member. The Bill to be signed by a Member or Chairperson of the Committee depending on the sponsorship of the Bill.

A Bill may only be introduced in the Assembly after a period of seven (7) days in the case of a Budget related Bill or a period of fourteen (14) days in the case of any other Bill beginning from the date of publication.

## **8) First Reading**

A Bill is read a first time by the Clerk, by the reading of the title of the Bill. At this stage, the Clerk reads the title of the Bill and no debate takes place.

## **9) Committal to the relevant Committee and Public Participation**

After the First Reading, the Bill automatically stands committed to the relevant Sectoral Committee. The Committee is required to facilitate public participation and to take into account the views of the public when it makes its report to the Assembly. The Committee is further required to submit its report to the Assembly within twenty (20) calendar days pursuant to Standing Order 135 (4). In undertaking public participation, the Committee use the following mechanisms: -

- ✓ Public hearings;
- ✓ Invitations for written submissions;
- ✓ Outreach to constituents;
- ✓ Facilitation to ensure all voices heard, all sides of debate aired;
- ✓ Allowing for one to one meetings for individuals as necessary;
- ✓ Use of a wide variety of ways to engage - Breakfast meetings, social media etc; and
- ✓ Follow up phone calls and request for specific materials.

#### **10) Second Reading**

This stage avails Members the opportunity to debate the Bill and give their views on the essence and principles of the Bill. A Motion is moved at this stage for Second Reading and if carried, the Clerk reads the title of the Bill and if defeated, the Bill does not proceed to the next stage.

#### **11) Committee of the Whole Assembly**

The Assembly considers the Bill Section by Section. Any Member, other than the Sponsor of the Bill, who wishes to move an amendment to the Bill, must give written notification of the amendment to the Clerk at least twenty-four (24) hours before commencement of the sitting at which the amendment is to be considered.

#### **12) Third Reading**

Once Committee of the whole on a Bill is concluded, the Bill is reported back to the House. On adoption of the report on the Bill, the Third Reading is taken. No amendments may be moved at this stage. A Bill can be “killed” if a Motion for 3<sup>rd</sup> Reading is defeated.

#### **13) Assent**

Once a Bill been passed by the House, the Speaker refers the concluded Bill to the Governor for assent. The Governor is required within 14 days to either assent to the Bill or refer the Bill back to the Assembly for reconsideration noting any reservations the Governor has.

The Assembly may either amend the Bill in light of the Governor’s reservations or pass it a second time with or without amendments that do not fully accommodate the Governor’s reservations.

#### **14) Publication of the Law**



Once a Bill has been assented to, the Bill is published as an Act of Parliament/ Assembly within seven (7) days after assent. An Act of Parliament/ Assembly comes into force on the 14<sup>th</sup> day after its publication in the Gazette and/or County Gazette unless the Act provides for a different date or time.

#### 4.1 CLOSING OF WORKSHOP

##### 4.1.1 Way Forward

1. The Committee was well equipped with the process of law making and how legislative proposals and Bill are made;
2. The Committee to hold a joint workshop with the Select Committee on Delegated County Legislation while deliberating on the Regulations of the Nairobi City County Transport Act, 2020;
3. The Committee to hold a meeting with the County Executive Committee Member of the Mobility and Works Sector on progress of operationalization of Nairobi City County Transport Act, 2020; and
4. The Clerk of the Committee to do a follow up on the work plan on in-house initiative for road and street lighting maintenance with the County Executive.



MINUTES OF THE SITTING OF THE NAIROBI CITY COUNTY ASSEMBLY SECTORAL COMMITTEE ON TRANSPORT AND PUBLIC WORKS HELD ON 22<sup>ND</sup> JUNE 2023 AT 10:00 AM AT COMMITTEE ROOM 8, CITY HALL BUILDINGS.

MEMBERS PRESENT:

1. Hon. Musango Maithya, MCA
2. Hon. Lawrence Otieno Odhiambo, MCA
3. Hon. David Magoba Odhiambo, MCA
4. Hon. Absalom Odhiambo Onyango, MCA
5. Hon. Kennedy Swaka, MCA
6. Hon. Beatrice Wandai Ichung'wa, MCA
7. Hon. Scolastica Muthoni Mande, MCA
8. Hon. Sospeter Gathahu Mumbi, MCA
9. Hon. Farhiya Daud Aden, MCA
10. Hon. Paul Mathu Njambi, MCA
11. Hon. Nicholas Juma Okwacho, MCA
12. Hon. Shadrack Machanje Namunyu, MCA
13. Hon. Stephen Ndegwa Gitau, MCA
14. Hon Aaron Kangara Wangare, MCA

ABSENT

1. Hon. Mark Mugambi Macharia Kevin, MCA
2. Hon. Sam Kanyi Kago, MCA
3. Hon. Rosemary Masitsa Shitote, MCA
4. Hon. John Mwaniki Kwenya, MCA
5. Hon. Fredrick Njoroge Njogu, MCA
6. Hon James Kariuki, MCA
7. Hon. Maurice Ochieng Onyango, MCA
8. Hon. John Ndile Musila, MCA
9. Hon. Paul Muiruri Kiguathi Kados, MCA

SECRETARIAT

1. Mr. Austin Inyundele - Senior Clerk Assistant

AGENDA

1. Preliminaries (prayers & adoption of the Agenda)
2. Adoption of the Committee's report on workshop held from 17<sup>th</sup> to 20<sup>th</sup> May 2023
3. Any Other Business
4. Adjournment

MIN.006/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.007/T&PW/JUNE/2023 – ADOPTION OF THE COMMITTEE'S REPORT ON WORKSHOP HELD FROM 17<sup>TH</sup> TO 20<sup>TH</sup> MAY 2023

The Committee was informed that following the successful conduct of the workshop of the Committee from 17<sup>th</sup> to 20<sup>th</sup> May 2023 as scheduled by the Select Committee on Liaison, the Committee is expected to compile a report and Table in the Assembly. Thus, the Committee

was informed that a draft report had been prepared. The Committee was taken through the draft report with the following as the way forward:

1. The Committee was well equipped with the process of law making and how legislative proposals and Bill are made;
2. The Committee to hold a joint workshop with the Select Committee on Delegated County Legislation while deliberating on the Regulations of the Nairobi City County Transport Act, 2020;
3. The Committee to hold a meeting with the County Executive Committee Member of the Mobility and Works Sector on progress of operationalization of Nairobi City County Transport Act, 2020; and
4. The Clerk of the Committee to do a follow up on the work plan on in-house initiative for road and street lighting maintenance with the County Executive.

The Committee adopted the report having established that it was the true copy of the proceedings and deliberations during the workshop.

MIN.008/T&PW/JUNE/2023- A.O.B AND ADJOURNMENT

The Committee having dispensed with the business of the day and the time being 11.02 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		25.7.2023
SECRETARY		25/7/2023