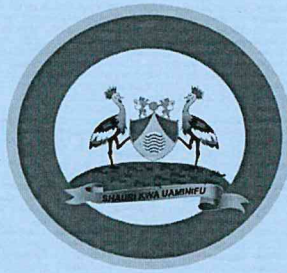


GOVERNMENT OF NAIROBI CITY COUNTY



THE NAIROBI CITY COUNTY ASSEMBLY

OFFICE OF THE CLERK

THIRD ASSEMBLY

(THIRD SESSION)



NCCA/TJ/PL/2024(71)

5TH DECEMBER, 2024

PAPER LAID

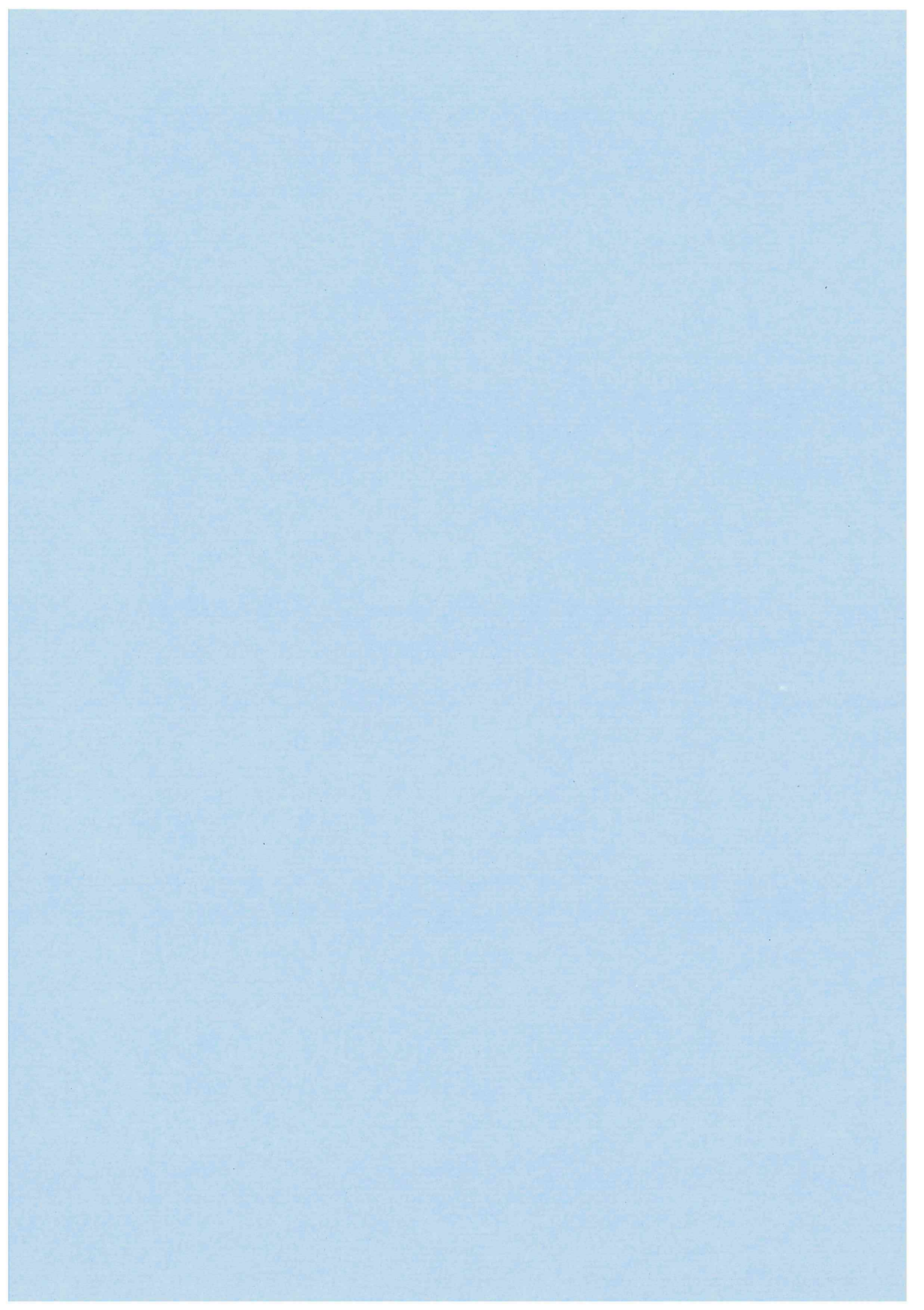
SUBJECT: COMMITTEE REPORT

Pursuant to the provisions of Standing Orders 196, I beg to lay the following Paper on the Table of the Assembly, today Thursday, 5th December, 2024.

— THE REPORT OF THE SECTORAL COMMITTEE ON ROADS, TRANSPORT AND PUBLIC WORKSHOP ON THE WORKSHOP HELD FROM 26TH TO 29TH AUGUST, 2024 AT LAKE NAIVASHA RESORT, NAKURU COUNTY.

(The Vice-Chairperson, Sectoral Committee on Roads, Transport & Public Works)

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



THE GOVERNMENT OF NAIROBI CITY COUNTY



NAIROBI CITY COUNTY ASSEMBLY
(THIRD ASSEMBLY – THIRD SESSION)

REPORT OF THE SECTORAL COMMITTEE ON TRANSPORT AND PUBLIC WORKS
FOR THE WORKSHOP HELD FROM 26TH TO 29TH AUGUST, 2024
AT LAKE NAIVASHA RESORT, NAKURU COUNTY

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

DECEMBER, 2024

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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 Chris Mtumishi, MCA | |
| 20. Hon Carrington Heho, 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 26th to 29th August, 2024 in Naivasha. 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.

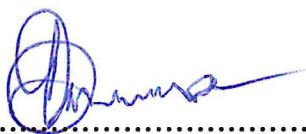
1.1.4 Acknowledgement

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 4.....DAY OF 12.....2024

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. Martin Mathai, Senior Legal Counsel, took the Members through the Nairobi City County Transport Act as follows;-

- i. The Act in the Preliminary section speaks to the Short title of the Act; Interpretation of some of the words used; Object and Purpose of the Act which include', to provide for adequate, accessible, safe and efficient public transport facilities
- ii. Facilitate the management, planning, development and funding of county transport facilities and infrastructure; and
- iii. Provide a legal framework for county transport in order to give effect to part 2 of the 4th Schedule of the Constitution
- iv. And the Application of the Act which applies to all roads and transport system in the county.

The Act sets out mechanisms for identification of county Roads, private roads and footways and the maintenance standards. The Act also proposes development of Road Development Plan and mechanisms of road agencies entering into an agreement with the County government.

The Act in Part IV generally spells out Public Road Transport. Specifically it proposes processes for Approval of Public transport infrastructure, operating licenses, Network of bus routes, operations of Public transport vehicles terminals, Bus station fees, setting aside of seats for persons with disability, prohibited activities in a public transport vehicle and motorcycle transport

The Act proposes mechanisms for the Traffic Management including definition of traffic marshalls, introduction of cycle lane markings on roads, pedestrian only lanes, PSV only roads, the disruption of traffic, traffic impact assessments and instances for closure of roads.

The Act under Part VI limits itself to County parking. Specifically it address itself to Parking on public roads, licensing for off street parking. It also establishes several charges including towing, congestion charge, Loading, parking for taxis and special parking bays.

Part VII of the Act provides for Street Lighting and advertisement. Specifically that the county shall install and maintain street lights and further provides a criteria for prioritization of development of the roads. The Act prohibits the erection of signs and advertisement within a road reserve

The Act establishes low emission zones; restriction on petroleum of diesel powered vehicles; and fees payable for entry to a low emission zone.

Part ix of the Act provides for status of non-motorized transport; guidelines for non-motorized transport; the delegated power to make regulations.

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 19th 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 3rd 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 14th 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 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;
2. The Committee to sought for last financial years report on the sectors budget absorption rate;
3. The Committee to pursue Implementation of the City Transport Plan; and
4. The Committee to do a follow up on the funds that were allocated for in-house initiative for road maintenance with the County Executive.

MINUTES OF THE 29TH SITTING OF THE NAIROBI CITY COUNTY ASSEMBLY SECTORAL COMMITTEE ON TRANSPORT AND PUBLIC WORKS HELD ON WEDNESDAY 4TH DECEMBER, 2024 AT 10.00 AM AT COMMITTEE ROOM 8, CITY HALL BUILDINGS.

MEMBERS PRESENT:

- | | |
|-----------------------------------|--------------------|
| 1. Hon. Musango Maithya, MCA | - Chairperson |
| 2. Hon. Lawrence Otieno, MCA | - Vice-Chairperson |
| 3. Hon. Rosemary Masitsa, MCA | |
| 4. Hon. Shadrack Machanje, MCA | |
| 5. Hon. Stephen Ndegwa, MCA | |
| 6. Hon. Scolastica Muthoni, MCA | |
| 7. Hon. John Ndile, MCA | |
| 8. Hon. Kennedy Swaka, MCA | |
| 9. Hon. Paul Muiruri Kados, MCA | |
| 10. Hon. Sospeter Mumbi, MCA | |
| 11. Hon. Aaron Kangara, MCA | |
| 12. Hon. John Mwaniki Kwenya, MCA | |
| 13. Hon. Fredrick Njogu, MCA | |
| 14. Hon. Paul Mathu, MCA | |
| 15. Hon. Mark Mugambi, MCA | |
| 16. Hon. Maurice Ochieng, MCA | |

ABSENT

1. Hon. David Magoba, MCA
2. Hon. James Kariuki, MCA
3. Hon. Absalom Odhiambo, MCA
4. Hon. Nicholas Juma, MCA
5. Hon. Carrington Heho, MCA
6. Hon. Chris Mtumishi, MCA
7. Hon. Sam Kago, MCA

SECRETARIAT

- | | |
|------------------------|--------------------------|
| 1. Mr. Titus Muiruri | - Senior Clerk Assistant |
| 2. Ms. RoseEdna Kanana | - Clerk Assistant |

MIN.093/T&PW/DEC/2024 – PRELIMINARIES

The Chairperson called the meeting to order at 10.15 a.m. and opened the meeting with a word of prayer. He then welcomed the Members and the secretariat present to the meeting and took them through the agenda as follows:-

AGENDA

1. *Preliminaries (Prayers & adoption of the Agenda),*
2. *Consideration and Adoption of the Committee's Workshop held on 26th -29th August, 2024.*
3. *Any Other Business*
4. *Adjournment*

The agenda was adopted for discussion as proposed by Hon. Shadrack Machanje, MCA and seconded by Hon. Maurice Ochieng, MCA.

MIN.094/T&PW/DEC/2024 – CONSIDERATION AND ADOPTION OF THE FIRST QUARTER COMMITTEE'S WORKSHOP REPORT FOR FY 2024/25 HELD ON 26TH-29TH AUGUST, 2024.

The first quarter Committees' workshop report for FY 2024/25 held on 26th -29th August, 2024 was tabled for consideration.


The Chairperson guided the Committee through the report and Members deliberated on the same.

The report was adopted unanimously as proposed by Hon. Paul Mathu, MCA and seconded by Hon. Rosemary Masitsa, MCA

MIN.095/T&PW/DEC/2024 - A.O.B & ADJOURNMENT

The Committee having dispensed with the business of the day and the time being 10.55 a.m the Chairperson adjourned the sitting. The date and venue of the next meeting would be communicated by notice.

CONFIRMED AS A TRUE RECORD OF THE PROCEEDINGS

CHAIRPERSON
 SIGN

DATE
10th 12/2024

COUNTY GOVERNMENT OF NAIROBI CITY



NAIROBI CITY COUNTY ASSEMBLY

THIRD ASSEMBLY – THIRD SESSION

SECTORAL COMMITTEE ON TRANSPORT & PUBLIC WORKS

Date.....4/12/2024 Time.....10:30 Venue.....Room.....

	Name	Sign
1.	Musango Muthya	
2.	Lawrence Otero	
3.	Koumaly Swaka	S.K
4.	Paul Matton Njambi	PMN.
5.	AARON KANWARA	AK
6.	SHANZACK MACHANJE	
7.	Scolastica Muboni	Muboni
8.	JOHN Mchale Muregi	
9.	Stephen C. Mdegani	Mdegani
10.	Maurice Ochung'oro	
11.	John M. Rungu	
12.	Rosemary Masika S	R.M.S
13.	Stephen C.D. Muriuki	
14.	FREDRICK NJOSU	
15.		
16.		
17.		
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