

**SPECIAL ISSUE**

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LEGAL NOTICE NO. 11

THE NAIROBI CITY COUNTY TRANSPORT ACT

(No. 3 of 2020)

THE NAIROBI CITY COUNTY TRANSPORT (COUNTY ROAD RESERVES)  
REGULATIONS, 2025

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THE NAIROBI CITY COUNTY TRANSPORT ACT

(No. 3 of 2020)

IN EXERCISE of the powers conferred by section 68 (1) (h) of the Nairobi City County Transport Act, 2020, the County Executive Committee member for Roads, Transport and Public Works makes the following Regulations—

THE NAIROBI CITY COUNTY TRANSPORT (COUNTY ROAD RESERVES)  
REGULATIONS, 2025

PART I—PRELIMINARY

*Citation*

1. These regulations may be cited as the Nairobi City County Transport (County Road Reserves) Regulations 2025.

*Interpretation*

2. In these Regulations, unless the context otherwise requires—

“Act” means the Nairobi City County Transport Act, 2020;

“centre line” means an imaginary line running along the centre of road parallel to the edges of the road as shall be determined by the approved County sub-division;

“Committee Member” means the County Executive Committee Member for the time being responsible for roads, transport and public works;

“County” means Nairobi City County;

“Chief Officer” means the county chief officer for the time being responsible for roads;

“Director” means the Director for the time being responsible for Roads in the County;

“Directorate” means the County Government directorate responsible for Roads;

“Director of Surveys” means the Director of Surveys appointed under section 3 of the Survey Act of Kenya Cap 299 and includes a person authorized by the Director to perform any of the duties of the Director of Surveys under the Act."

“encroachment” means the unauthorised occupation or use of a road, or any portion of a road reserve, whether in, on, above or below the road, for a purpose other than traffic, or for a purpose that has not been approved by the County Executive Committee Member responsible for roads;

“limited use” refers to a period of six months or less;

“public road” has the same meaning assigned to it under Act; and

“road reserve” means the area between two boundaries resulting from an approved subdivision by the County and should be fixed lines at either side of the Centre Line of the road.

*Objects and Purpose*

3. The objects and purpose of these Regulations are to—
  - (a) provide for the orderly management, protection and controlled utilisation of county road reserves to ensure safety, accessibility and sustainable urban development within the County;
  - (b) define and safeguard the extent and classification of county road reserves;
  - (c) prevent encroachment upon, and regulate the temporary use of, public roads and road reserves;
  - (d) prescribe standards for determining road reserve widths and for approving the erection of temporary structures;
  - (e) establish mechanisms for the approval of applications, enforcement of compliance, and recovery of costs incurred by the County in the management of road reserves; and
  - (f) promote transparency, public safety and compliance with all applicable laws relating to the management and use of county roads and road reserves.

*Application of the Regulation*

4. These Regulations shall apply to—
  - (a) the planning, designation, management, use and protection of all road reserves within the County, whether for permanent or temporary purposes; and
  - (b) all persons or entities undertaking works, erecting structures, or carrying out any activity within, on, above, or beneath a county road reserve.

**PART II—OPERATIONAL STANDARDS**

*Classification of County Roads*

5. (1) Where a road has been classified as a county road under any applicable law, the Committee Member shall, by order, classify such road as a county road.
- (2) The Committee Member may, by order—
  - (a) designate particular roads for specific purposes, taking into account any existing road numbering system; and
  - (b) divide a particular class of roads into subclasses.

*Fixing of Lines at either side of the centre line*

6. A road reserve shall have boundary lines marked on either side of the centre line of the road, as may be determined by the Director of Surveys.

*Demarcation of Road Reserves*

7. (1) The County Executive Committee Member may, by order, designate the road reserve width for each class of road.

(2) Where no specific designation has been made for a county road, the road reserve for that road shall be defined as a minimum of four and a half metres (4.5 m) on each side of the centre line of the road, in accordance with the Physical Planning Handbook (2008) – Urban and Industrial Road Planning.

(3) Special provisions shall apply to the use of, and facilities within, any road reserve where the existing width is less than nine metres (9.0 m).

(4) Road reserves on county roads shall be demarcated by the erection of approved beacons or other suitable durable marks at intervals along the road, such that the imaginary lines joining such beacons or marks accurately indicate the road reserve boundary.

(5) In the case of bends or links in the road, beacons or marks shall be located to give the correct configuration of the road boundary when joined by straight lines.

(6) The beacons or marks shall be maintained on the ground as if they form part of the county road.

(7) For the purposes of these Regulations, any land within the road reserve shall be deemed to be part of the road.

(8) For purposes of ensuring road safety at intersections, the Committee Member may, by order, require the surrender of land at no cost to the County to allow for truncation in accordance with the sub-division guidelines.

**PART II—ENFORCEMENT AND COMPLIANCE**

*Prohibition on Encroachment*

8. No person shall cause any encroachment on, in, above or below a road reserve.

*Notice on Encroachment*

9. (1) Where the Committee Member is satisfied that an encroachment has taken place on a county road, the Committee Member shall serve a notice on the person responsible for the encroachment requiring the removal of the encroachment within the period specified in the notice.

(2) If the person fails to comply with the notice served under paragraph (1), the Committee Member, or any officer authorized by the Committee Member, may cause the encroachment to be removed, with the assistance of the police where necessary.

(3) Where an encroachment is made for the purpose of displaying articles for sale, opening a temporary booth for vending, publicity, or any similar purpose, the highway authority may, with the assistance of the police where necessary, have such encroachment summarily removed.

#### *Recovery of Cost for Removal of Encroachment*

10. Where the County Executive Committee Member causes any encroachment to be removed or carries out any protective work in respect of such encroachment, the cost of the removal or protective work, together with interest at the rate of fifteen per cent (15%), shall be recoverable from the person responsible for the encroachment.

#### *Road Reserve Land use*

11. (1) The County Executive Committee Member may, by order, permit the limited use of land within a road reserve.

(2) Any use of land permitted under paragraph (1) shall not be deemed to constitute an encroachment.

(3) Any use permitted under paragraph (1) shall—

- (a) be of a temporary nature;
- (b) be for a period not exceeding twelve (12) months, which may be renewed upon application;
- (c) not be assigned or transferred to any other person other than the applicant; and
- (d) not be permitted during any period in which road maintenance or improvement works are being, or are scheduled to be, undertaken within the road reserve.

#### *Variation of Approval*

12. Any approval granted under regulation 11 shall not—

- (a) prejudice the powers of Committee Member to amend, revise, or revoke the approval during the period of limited use, provided that reasons for such amendment, revision, or revocation are communicated; and
- (b) absolve the user, or any agent of the user, from liability for any mistakes, misrepresentation of facts, or any other adverse conditions discovered on site.

*Indemnity*

13. The user shall indemnify the County against any claims, actions, or litigation that may arise during or after the period of limited use of land within a road reserve.

*Traffic Safety Measures*

14. The user shall provide and maintain reflective traffic control warning signs on both sides of the affected area to warn road users of the limited use and to ensure safety and uninterrupted traffic flow.

*Reinstatement of Original State of Land*

15. (1) Where a road reserve is required for development or at the end of the period of any permitted limited use, the land within the road reserve where such limited use has occurred shall be reinstated, at the user's own cost, to the condition it was in immediately prior to the commencement of the limited use.

(2) The County Executive Committee Member shall give the user a written notice specifying the requirement to reinstate the land and the timeframe within which the reinstatement must be effected.

(3) If the user fails to comply with the notice under paragraph (2), the Committee Member, or any officer authorized by the Committee Member, may cause the reinstatement to be carried out, and the cost incurred, together with interest, shall be recoverable from the user.

*Temporary Structures on the Road Reserve*

16. (1) The following temporary structures may be approved for erection on a road reserve—

- (a) modern kiosks;
- (b) bus shelters;
- (c) watchmen or security cubicles (unihuts);
- (d) barriers;
- (e) refuse cubicles;
- (f) power transmission substations and transformers; and
- (g) transmission and utility masts.

(2) No approval for limited use of land or erection of temporary structures shall be granted in the following areas—

- (a) at intersections;
- (b) near junctions, roundabouts, or pedestrian crossings;
- (c) on central reserves or traffic medians;

- (d) on traffic islands, medians, carriageways, footpaths, or storm water drains;
- (e) where the structures would obstruct traffic lights or directional signs; or
- (f) where the structures would obstruct access to public institutions, including schools and hospitals.

*Application for Limited Use*

17. (1) An application for limited use of land within a county road reserve shall be made in writing to the Directorate and shall include the information set out in the First Schedule to these Regulations.

(2) Upon receipt of the application the Director shall prepare a Technical Report with recommendations to the Chief officer.

(3) The Chief Officer may approve or reject the application after taking into consideration the Technical Report.

(4) The applicant shall pay the prescribed fee upon approval of the application.

(5) Any person aggrieved by a decision made under this Part may appeal to the Committee Member within thirty days of receiving the decision.

*Application for Security Gates and Barriers*

18 (1) An application for permission to erect security gates or barriers across county roads, footpaths, or wayleaves shall be made in writing to the Directorate in the form prescribed in the Second schedule to these Regulations.

(2) Upon receipt of the application the Director shall prepare a Technical Report with recommendations to the Chief officer.

(3) The Chief Officer may approve or reject the application after taking into consideration the Technical Report.

(4) The applicant shall pay the prescribed fee upon approval of the application.

(5) Any person aggrieved by a decision made under this Part may appeal to the Committee Member within thirty days of receiving the decision.

*Requirements to Erect Security Gates and Barriers*

19. Applications for permission to erect security gates or barriers across county roads, footpaths, or wayleaves shall meet the following conditions—

- (a) be accompanied by a letter of no objection from the Area Deputy County Commissioner or their representative;
- (b) be accompanied by a letter of no objection from the Area Residents Association;
- (c) be advertised in at least two (2) newspapers of nationwide and county circulation;

- (d) be accompanied by a survey plan or drawing showing the land references for the entire road length and the exact location of the proposed barrier or gate;
- (e) include the names and signatures of residents of affected plots or premises, representing at least eighty-five per cent (85%) of the plots or residences;
- (f) bind the applicant to the condition of removing the gate or barrier if the County receives a reasonable objection from one or more area residents or other persons who may need to use the road, footpath, or wayleave;
- (g) where the proposed gate or barrier is on a through road that serves the general neighbourhood, the applicant must advertise their intention in at least two (2) newspapers of nation and county wide circulation to allow the public to raise objections, and the gazette notice must be in a format approved by the Committee Member; and
- (h) applications from residents' associations shall be supported by confirmed minutes of the respective Association's Executive Committee, including registration details provided by the Registrar of Societies.

PART IV—MISCELLANEOUS

*Offence and Penalty*

20. A person who contravenes any provision of these Regulations shall be liable, upon conviction, to a fine not exceeding two hundred thousand shillings (200,000) or to imprisonment for a term not exceeding six months, or to both.

11	Signed statement by applicant or agent confirming that all information provided is true and that the billboard will comply with regulations.
	DECLARATION
10	Structural stability report (from a Registered Consultant or Professional Engineer) To be attached
9	Traffic safety assessment (showing that the temporary structure will not obstruct visibility or distract drivers) To be attached
	COMPLIANCE AND SAFETY CONSIDERATIONS
8	Map \ site plan showing the exact position on the road reserve
	Exact location (plot number, block number, coordinates)
7	
6	Design drawings (to scale)
5	Dimensions (height, width)

## FIRST SCHEDULE

## Application Form to install a Temporary Structure on the Road Reserve

APPLICANT DETAILS		
1	Name of applicant / company	
2	Postal and physical address	
3	Contact Details (Email, Phone Number)	
Description Of Proposed Temporary Structure		
4	Type of Temporary structure (e.g., Modern Kiosks, Bus Shelters, Watchmen/Security cubicles (unihuts), Barriers, Refuse cubicles, Power Transmission substations and Transformers, Transmission and utility Masts	
5	Dimensions (height, width, total area)	
6	Design drawings (to scale)	/
Site Information		
7	Exact location (plot number, road name, GPS coordinates)	
8	Map / site plan showing the exact position on the road reserve	
COMPLIANCE AND SAFETY CONSIDERATIONS		
9	Traffic safety assessment (showing that the temporary structure will not obstruct visibility or distract drivers)	To be attached
10	Structural stability report (from a Registered Consultant or Professional Engineer.	To be attached
DECLARATION		
11	Signed statement by applicant or agent confirming that all information provided is true and that the billboard will comply with regulations.	

SECOND SCHEDULE

APPLICATION FORM

For Permission to Erect Security Gates or Barriers Across County Roads or Footpaths or Way leaves

1. Name of Applicant .....	.....
2. Address of Applicant .....	.....
3. Telephone Contact; Landline: .....	Mobile No:.....
4. Name of Contact Person .....	.....
5. Name of Manning Personnel .....	.....
6. Road Name.....	ESTATE.....
PLOT NO/HOUSES AFFECTED .....	

(A Location map to be attached showing siting of the security gate)

7. Kind of Security Facility..... (Barrier Or Gate: a Drawing to be attached)

8. (a) Purpose for Facility .....

(b) Mode of Operation.....

9. Responsible Person for Erecting the Gate .....

(Should be a person or a registered Company than can take risks) –

See clause (c) of the policy on security gates across Nairobi Streets at the back)

10. Date of Application.....

11. Signed by Authorized Person.....

Name:.....

Stamp: .....

12. Name of Supervisor (NCC).....

13. Remarks on Application by Supervisor .....

14. Approved by Chief Assistant Engineer (Roads) .....

Date of Approval .....

15. Inspection Fees to be paid..... Date Paid.....

## THIRD SCHEDULE

## FEES PAYABLE IN RESPECT OF A LIMITED USE PERMIT ON LAND WITHIN A ROAD RESERVE

Area covered by permit	Up to 3 months	Up to Twelve(12) months
Less than 10 Square Metres	As per the County Revenue Act.	As per the County Revenue Act
10 sq.m to 1,999 sq.m	As per the County Revenue Act	As per the County Revenue Act
Over 2,000 sq. m.	Not permissible	Not permissible

Dated this ..... day of ..... 2025.

Made on the 11th December, 2025.

IBRAHIM NYANGOYA AUMA,

*County Executive Committee, Member for Mobility and Public Works.*