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THE NAIROBI CITY COUNTY TRANSPORT ACT

(No. 3 of 2020)

THE NAIROBI CITY COUNTY TRANSPORT (TRAFFIC IMPACT ASSESSMENT)

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 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 (TRAFFIC IMPACT ASSESSMENT)
REGULATIONS, 2025

PART I—PRELIMINARY

Citation

1. These regulations may be cited as the Nairobi City County (Traffic Impact Assessment) Regulations, 2025.

Interpretation

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

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

“assessor” means a person or entity registered as a professional civil or consulting engineer or firm named to prepare the traffic impact assessment;

“betterment” means any improvement to the standard of road or footway construction, signs and markings;

“Chief Officer” means the Chief Officer for the time being responsible for Roads and Transport in Nairobi City County Government;

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

“Commutated sum” means money received by the County from a developer which may use to improve the transport system in the area where the new development has occurred;

“County” means the Nairobi City County Government;

“Director” means the director for the time being in charge of the traffic and parking management;

“Directorate” means the County Government directorate responsible for traffic and parking management;

“emergency” means any unplanned event affecting a utility that results in an interruption of the service provided by that utility, or causes a disruption to traffic, or affects the structure of a road;

“footway” means that part of a road constructed for the use of pedestrians;

“floor area ratio” means the ratio of the total floor area of a building or buildings on a parcel of land to the total area of that parcel;

“gross floor area” means the sum of the floor areas of all spaces within the proposed building, including basements, mezzanines and intermediate-floored tiers with a headroom height of two-point-two metres or greater, measured to the centre line of party walls and including the thickness of external walls, but excluding voids;

“gross leasable area” means the area of a proposed building that may be used by tenants or occupants and includes common areas, elevators, common bathrooms, stairwells, and any other portion of the building not exclusively occupied by tenants but available for their use, measured from the centre of joint partitions to the outside wall surfaces;

“level of service” means a mechanism used to determine how well a transport facility is operating from a traveller’s perspective and has six levels of service defined, each assigned a letter designation from A to F, with level of service A representing the best operating conditions, and level of service F the worst;

“liaison engineer” a person with appropriate qualifications authorized by the Committee Member to act as the focal point for the application;

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

“road” includes footways, signs, markings and the road reserve;

“site” means the place where the development is proposed to take place;

“traffic impact assessment” has the meaning assigned to it under section 4 of these regulations;

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

“utility company” means any company or entity engaged in the supply of electricity, internet, water, sewerage, oil, or any other product carried on or within wires, pipes, ducts and conduits below or above ground level.

Objects and Purpose

3. The objects and purpose of these Regulations are to—

- (a) ensure that all new developments, redevelopments or changes of land use within the County are planned and implemented in a manner that maintains safe, efficient and sustainable transport and traffic conditions;
- (b) give effect to sections 43 and 44 of the Act;
- (c) establish a legal and procedural framework for the preparation, submission, evaluation, and approval of traffic impact assessments for developments affecting the County’s transport network;
- (d) prescribe the standards, contents, and methodologies for traffic impact assessment reports and guide County officers in their review and approval;
- (e) require developers to implement or contribute to mitigation measures necessary to maintain acceptable levels of service and safety on the road network;
- (f) ensure that development approvals align with County transport, parking, non-motorized, and public transport plans; and
- (g) promote sustainable urban mobility and integrated land-use and transport planning through effective enforcement and compliance mechanisms.

Application

4. These Regulations shall apply to any person who proposes a development, redevelopment, or change of use of a building or structure within Nairobi City County.

PART II—OPERATIONAL STANDARDS

Traffic Impact Assessment Report

5. Any person who applies for the development, redevelopment or change of use of a building or structure shall obtain approval only upon submission of a traffic impact assessment report where the building or structure—

- (a) Exceeds two thousand square metres of gross floor area; or
- (b) in the opinion of the Chief Officer, is likely to have a significant impact on the transport infrastructure due to the nature of the intended activities.

Traffic Impact Assessment Tool

6. A traffic impact assessment shall be a tool for assessing the potential impacts of traffic generated by a proposed development on the surrounding transport system, based on the trips generated by that development.

Particulars of Traffic Impact Assessment

7. A traffic impact assessment shall include—

- (a) a description of the scope and intensity of the proposed project, a summary of the projected impacts, and any required improvements to ensure that the transport facilities can safely accommodate the proposed development;
- (b) 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 submission of the report and for the ten years thereafter;
- (c) a review of existing transport and traffic conditions in the area of the transport network likely to be affected by the proposed building or structure;
- (d) 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 to ensuring that there is no net detrimental effect on traffic flow or public transport congestion;
- (e) an assessment of the traffic generation effects arising from the number of parking spaces determined in regulation 19;
- (f) provisions for cycle parking in accordance with applicable standards; and
- (g) provisions for disabled parking bays designated for use by persons with disabilities.

Presenting Traffic Impact Assessment

8. (1) A traffic impact assessment report shall be presented in a clear, logical, and step-by-step manner that is easy to verify and understand.

(2) Any assumptions made in the preparation of the report shall be explained and supported with sufficient evidence.

(3) The submission of false or misleading information in a traffic impact assessment report shall result in the rejection of the assessment.

Contents of Traffic Impact Assessment Report

9. (1) A traffic impact assessment report shall contain the following—
 - (a) Executive Summary;
 - (b) Introduction and particulars of the proposed development;
 - (c) plans of the County Government relating to roads and transport;
 - (d) plans of national road agencies relating to roads;
 - (e) existing infrastructure conditions;
 - (f) background traffic and projections;
 - (g) development traffic;
 - (h) post-development traffic;
 - (i) intersection treatment warrants;
 - (j) analysis;
 - (k) conclusions and recommendations, including proposed intersection plans; and
 - (l) appendices, including scoping documents, supporting documents, calculations, correspondence, and evidence of public participation.
- (2) A traffic impact assessment report shall include—
 - (a) in respect of background traffic, a graphical or tabular display of the background traffic for all horizon years, including the current year;
 - (b) in respect of development traffic—
 - (i) the assumptions used in trip generation, including growth factors and trip-reduction rates; and
 - (ii) a graphical or tabular display of the development traffic for all horizon years.
 - (c) in respect of combined traffic, a graphical or tabular display of the combined traffic for all horizon years and peak hours;
 - (d) graphical or tabular displays of the levels of service at all critical or main intersections and links for all horizon years, including the current year;
 - (e) proposed mitigation measures and the expected levels of service after mitigation, including—
 - (i) a list of mitigation measures with graphical or conceptual illustrations;
 - (ii) a graphical or tabular display of the levels of service at all critical or main intersections and links for all peak hours and horizon years; and
 - (iii) a time schedule for implementation of the mitigation measures and the party responsible for such implementation;
 - (f) the access strategy for the development; and
 - (g) the parking supply and demand associated with the development.

Traffic Impact Assessment Development Particulars

10. A traffic impact assessment shall provide the particulars of the proposed development, including—

- (a) the trade name of the development;
- (b) the development land use type(s) or category(ies);
- (c) the land use intensity(ies), including—
 - (i) total site area in square metres;
 - (ii) floor area ratio;
 - (iii) gross floor area; and
 - (iv) gross leasable area.
- (d) the size of the development per land use type;
- (e) the location of the proposed development;
- (f) a copy of the Title Deed showing the plot number;
- (g) the mutation or deed plan;
- (h) any previous approved traffic impact assessment reports, if applicable;
- (i) the development phasing plan; and
- (j) the proposed opening year of the development.

Traffic Impact Assessment Map

11. A traffic impact assessment shall identify, in map and plan form—

- (a) the proposed development site boundary;
- (b) accesses to and from the site for motorized vehicles, pedestrians, and cyclists;
- (c) external roads within a distance of 1.5 kilometres from the site accesses, measured along the shortest routes to the accesses, provided that there is at least one intersection within this distance. Where no such intersection exists, the distance shall be extended to include at least one intersection.
- (d) streets, junctions, intersections, and property accesses, together with the number of lanes and the type of intersection control including uncontrolled or signal-controlled roundabout;
- (e) proposed new or improved external roads, regardless of the class of road, and any new public transport facilities envisaged within the study area during the time horizon of the traffic impact assessment, up to 1.5 kilometres from the site boundary;
- (f) public transport, pedestrian, and cyclist facilities that fall within the study area, including bus and BRT routes, stops and stations, railway lines and stations, pedestrian walkways and crossings, and cycle lanes; and
- (g) sensitive areas in all roads within residential and other sensitive zones on which the proposed development is likely to have a significant impact.

Traffic Impact Assessment Plans and Programmes

12. In preparing a traffic impact assessment, the assessor shall take into account the plans and programmes of relevant public agencies, including—

- (a) the Spatial Development Framework;
- (b) the Capital City Transport Plan;
- (c) the County Integrated Development Plan;
- (d) road agency strategic infrastructure plans;
- (e) traffic management plans;
- (f) public transport plans;
- (g) parking policies; and
- (h) non-motorized transport policies.

Presentation of Traffic Impact Assessment Information

13. Information provided in a traffic impact assessment shall be presented for the study area in schematic form, including—

- (a) functional road classification and road authorities, indicated by means of lines of different colours; and
- (b) road lanes, indicated by arrow symbols showing turning movement directions per lane, with traffic control measures at intersections and accesses represented by appropriate symbols.

Results of Surveys

14. (1) A traffic impact assessment shall contain the results of surveys carried out to collect data on—

- (a) turning movement counts;
- (b) mid-block counts; and
- (c) traffic speeds.

(2) The liaison engineer may require that a traffic impact assessment also include the results of surveys carried out to collect data on—

- (a) traffic origins and destinations;
- (b) parking occupancy and utilization;
- (c) the proportion of delivery vehicles for commercial developments; and
- (d) public transport patronage.

Traffic Impact Assessment Projection

15. (1) A traffic impact assessment shall provide a projection of future traffic demand in the study area.

(2) Growth rates shall be used to establish future year traffic forecasts as follows—

$$\text{FYD} = \text{BYD} \times (1 + i/100)^n$$

where—

FYD = Future Year Demand;

BYD = Base Year Demand;

i = Annual Growth Rate (%); and

n = Number of years.

(3) Other developments, as well as future potential developments in the area, shall be taken into account in the estimation of future background traffic. Such developments shall include approved developments not yet fully implemented and developments likely to occur during the study horizon of the traffic impact assessment.

Traffic Impact Assessment Traffic and Trips

16. (1) A traffic impact assessment shall include the traffic and trips generated by the proposed development, including—

- (a) during the construction phase (construction traffic); and
- (b) when the development is completed and fully occupied.

(2) Trip generation rates for various classes of land use under section 13 (1) (b) may be supplied by the County.

(3) In the absence of rates supplied by the County, estimates shall be made by the assessor.

(4) The estimate of future traffic shall be calculated by adding—

- (a) the traffic calculated under section 15 (2);
- (b) the traffic estimated under section 15 (3); and
- (c) the traffic generated by the development under paragraph (1), less any traffic currently generated by the site prior to the proposed development.

Traffic Stream

17. A traffic impact assessment shall include—

- (a) the determination of traffic demand per traffic stream or turning movement; and
- (b) the distribution and assignment of traffic generated by the development to the surrounding transport network.

Mode of Transport Impact

18. A traffic impact assessment shall include the determination of demand for public transport, pedestrian, and bicycle modes of transport, and shall assess the impacts of such demand on the transport network.

Percentage of Traffic Within the Study Area

19. A traffic impact assessment shall determine the percentage of traffic that will use specific routes within the transport network in the study area, separately for—

- (a) background traffic; and
- (b) development-generated trips.

Approval of Development

20. (1) An application for any development shall only be approved where the building or structure provides, within its curtilage, the approved number of car parking spaces.

(2) The number of car parking spaces referred to in paragraph (1) shall conform to the standards for car parking in new developments as may be prescribed from time to time by the County Executive Committee Member.

Assessment of Traffic Effects

21. A traffic impact assessment shall include details of the following traffic effects in the study area—

- (a) existing conditions without the development;
- (b) conditions at the opening year of the development;
- (c) conditions at a design year, to be determined by the liaison engineer, for the purpose of establishing the mitigation measures required to accommodate the development;
- (d) “without” proposed mitigation measures, undertaken to demonstrate the need for such measures; and
- (e) “with” proposed mitigation measures, undertaken to determine whether the proposed measures will be effective in addressing the impacts of the development.

Application for Approval

22. (1) An application for a development application requiring a traffic impact assessment shall be made by submitting the application to the Directorate in the prescribed form.

(2) Upon receipt of the application, the Director shall prepare a technical report containing recommendations.

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

Assessment Response

23. (1) The Chief Officer shall respond to the assessor on the first submission of a traffic impact assessment, based on the technical report, within sixty (60) days.

(2) A response to a traffic impact assessment submitted under paragraph (1) shall contain—

- (a) an approval of the assessment and the mitigation works proposed therein; or

- (b) a request to modify and improve the contents of the traffic impact assessment; or
- (c) a request to modify the mitigation works proposed in the assessment; or
- (d) a determination that the traffic impact assessment is unsatisfactory for failing to meet the requirements of these Regulations.

Traffic Impact Assessment Mitigation Measures

24. (1) As a condition of planning approval, the developer, proposer, or owner of a building or structure shall, at their own cost, implement the mitigation measures approved in the traffic impact assessment, which may include—

- (a) new traffic signals;
- (b) pedestrian crossings or footbridges;
- (c) widened or improved footways;
- (d) cycleways;
- (e) conversion or improvement of roundabouts to include traffic signals;
- (f) installation of Intelligent Transport Systems at traffic signals;
- (g) local widening at junctions;
- (h) new bus stops, shelters, or lay-bys; and
- (i) new public transport facilities, including services and passenger information systems.

(2) The cost of mitigation measures not listed in paragraph (1) shall be subject to a developer contribution, determined by the Chief Officer based on the following formula—

'Developer Contribution=Background Traffic/Development Trips Cost of Mitigation'*

(3) Notwithstanding paragraph (1), the developer, proposer, or owner of the building or structure may commute a sum of money to the County in lieu of implementing the mitigation measures, for the County to implement such measures at its discretion.

(4) The sum of money commuted under paragraph (3) shall be deemed a fee or charge under the Act.

(5) The sum of money commuted under paragraph (3) shall be governed by an agreement between the developer, proposer, or owner of the building or structure and the County.

Mitigation Measures Based on Level of Service

25. (1) A traffic impact assessment shall contain mitigation measures based on a level of service approach, using such standards as the County Executive Committee Member may, from time to time, prescribe.

(2) Mitigation measures shall not be required where the future traffic conditions, including traffic generated by the development, fall within levels of service A to C.

Accompaniments of Traffic Impact Assessment

26. A traffic impact assessment shall be accompanied by—
- (a) Plans, scaled at 1:1250, showing—
 - (i) the location of the development;
 - (ii) concept design of proposed mitigation measures, including intersection designs;
 - (iii) road accesses to the development;
 - (iv) internal circulation within the development;
 - (v) public transport facilities within and surrounding the development;
 - (vi) typical cross-sections of roads; and
 - (vii) pedestrian access and circulation facilities.
 - (b) The agreed conceptual plans of mitigation measures as identified in the traffic impact assessment, specifying the opening year and horizon year mitigations, including tables of—
 - (i) land uses specifying corresponding units and quantities;
 - (ii) detailed trip generation (in, out, and total) for each peak hour; and
 - (iii) detailed parking demand, parking supply, and number of parking spaces.

PART III—ENFORCEMENT

Enforcement of Mitigation Measures

27. (1) Where the developer of a building or structure for which an approved traffic impact assessment has been prepared does not implement the mitigation measures contained in that assessment, the Directorate shall notify the developer in writing that—

- (a) the mitigation measures shall be implemented within twenty-eight (28) days of the notification;
- (b) failure to implement the mitigation measures shall result in the institution of legal remedies at the developer's cost; and
- (c) the County may stop any traffic to and from the development.

(2) If the mitigation measures are not implemented within the twenty-eight (28) days, the Chief Officer shall issue an enforcement notice requiring the developer to implement the mitigation measures within a further fourteen (14) days.

(3) Where the developer fails to implement the mitigation measures within the additional fourteen (14) days, officers authorized by the Committee Member, accompanied by the police if required, may physically stop all access and egress to and

from the public roads of that development. The County shall provide a mechanism for sealing the property.

(4) Where the development proposal causes significant changes after the approval of the traffic impact assessment, the developer shall conduct a new traffic impact assessment to account for the proposed amendments.

Made on the 11th December, 2025.

IBRAHIM NYANGOYA AUMA,
County Executive Committee, Member for Mobility and Public Works.

