

SPECIAL ISSUE

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REPUBLIC OF KENYA

KENYA GAZETTE SUPPLEMENT

NATIONAL ASSEMBLY BILLS, 2022

NAIROBI, 7th February, 2022

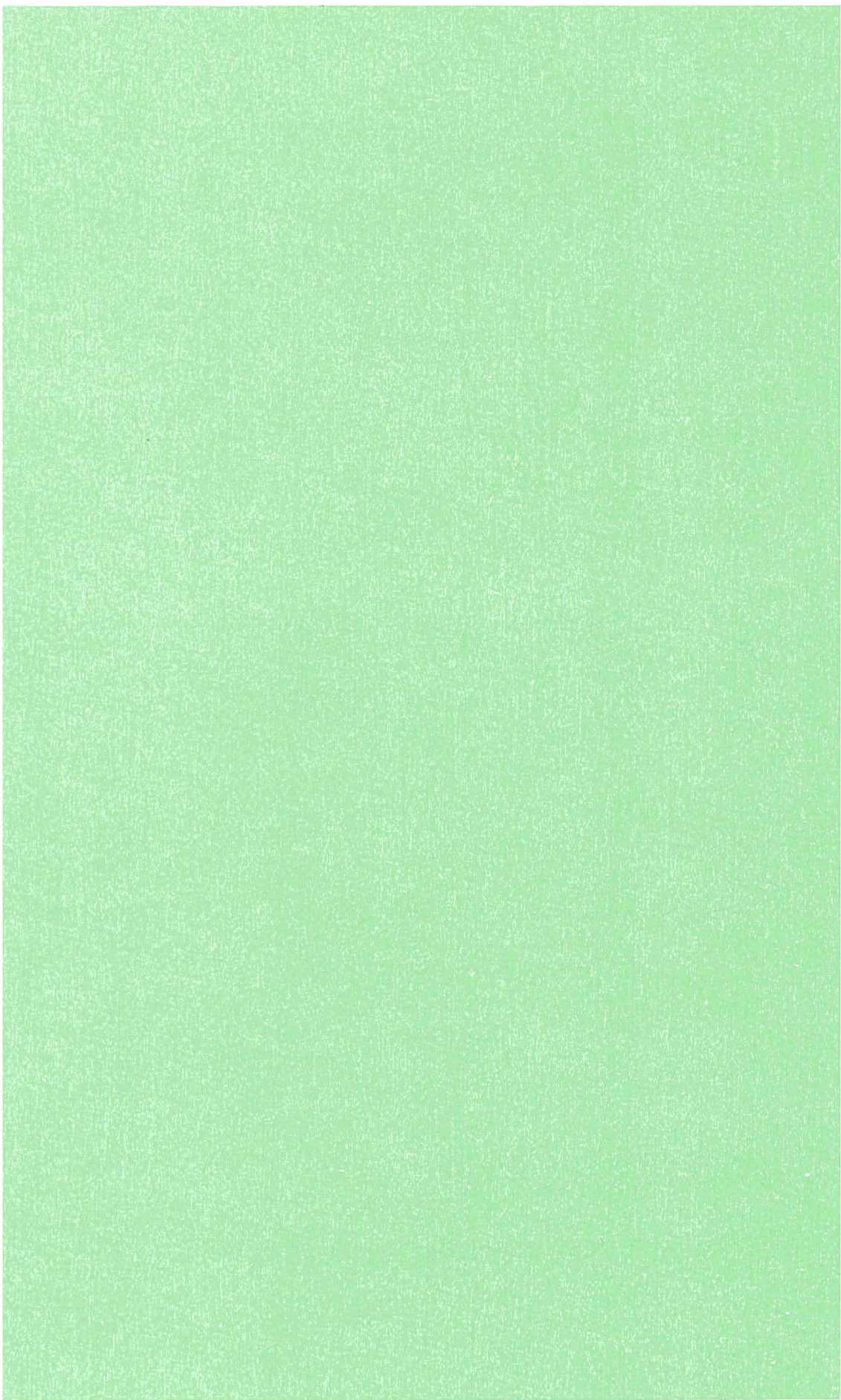
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THE KENYA ROADS (AMENDMENT) BILL, 2022

A Bill for

AN ACT of Parliament to amend the Kenya Roads Act and for connected purposes

ENACTED by the Parliament of Kenya, as follows—

1. This Act may be cited as the Kenya Roads (Amendment) Act, 2022.

Short title.

2. The Kenya Roads Act, 2007, in this Act referred to as “the principal Act”, is amended in section 2 by inserting the following new definitions in their proper alphabetical sequence—

Insertion of a new section into No. 2 of 2007.

“Non-Motorised Transport” means all forms of travel that do not rely on an engine or motor for movement and includes walking, cycling and mobility assistance devices;

“Bicycle” has the same meaning assigned to it under the Traffic Act;

Cap. 403.

“Non motorised vehicle” means any vehicle that is not self-propelled such as a bicycle, wheelchair and scooter;

“Pedestrian” means a person travelling on foot;

“Cycling lanes” means on-road lanes exclusively reserved for use by bicycles and wheelchairs, with clear markings separating them from other lanes used by motorized vehicles;

“Cycling track” means part of the road exclusively reserved for use by bicycles and wheelchairs and is physically separated from tracks used by motorized vehicles;

“Pedestrian walkway” means part of the road exclusively reserved for use by pedestrians and is physically separated from lanes used by motorized vehicles;

“Universal access” means the use of road infrastructure by all persons regardless of age, mode and physical ability.

3. The principal Act is amended by inserting the following new section immediately after section 47—

Insertion of a new section into No. 2 of 2007.

Non-motorised
transport.

47A. (1) All roads shall be designed to have lanes or tracks reserved for exclusive use by non-motorized transport.

(2) Each public road in urban and rural areas shall be designed to have clearly marked lanes or pedestrian walkways for exclusive use by pedestrians.

(3) All existing public roads which do not have lanes or tracks designated for use by pedestrians and non-motorised transport shall, where appropriate, be upgraded to provide walkways and tracks which are clearly marked for the exclusive use by pedestrians and bicycles.

(4) The walkways and tracks shall, where appropriate, be physically separated from lanes used by motorized vehicles.

(5) The Cabinet Secretary shall publish standards for the planning and design of urban streets, with consideration of measures to prioritize mobility for pedestrians, cyclists, other non-motorised transport and public transport users.

(6) The Cabinet Secretary shall, within nine months of coming into force of this Act, publish standards for the design, construction and equipping of cycling lanes, cycling tracks and pedestrian walkways to ensure safety, universal access and functionality.

(7) The standards referred to under subsection (6) shall include the use of signage and signaling for non-motorized transport.

(8) The Authority or County Government may take measures to regulate the use of non-motorised vehicles on all or certain classes of roads for purposes of safety and functionality.

(9) The facilities designated for pedestrians, bicycles, or other non-motorised transport shall not be used for any other purpose.

(10) A person who unlawfully uses a lane, or cycling track reserved for pedestrians, bicycles, or other form of non-motorised transport for any other purpose commits an offence and shall on conviction be liable to fine not exceeding one million shillings or one-year imprisonment or both.

MEMORANDUM OF OBJECTS AND REASONS

Statement of objects and reasons

The principal object of the Bill is to amend the Kenya Roads Act, 2007 to require all public roads to have lanes or tracks reserved for exclusive use by pedestrians and non-motorised vehicles and to require all urban areas to have support facilities such as bicycle parking. This is aimed at promoting non-motorised transport by improving safety and utility. This shall promote green mobility, and reduce vehicular congestion as well as vehicular carbon emissions, and in turn contribute to Kenya's attainment of the Sustainable Development Goals (SDGs) targets: contributing directly to Target 3.6: 'halve the number of global deaths and injuries from road traffic accidents'.

Statement on the delegation of legislative powers and limitation of fundamental rights and freedoms

The Bill does not delegate legislative powers and does not contain any provisions limiting any fundamental rights or freedom.

Statement on how the Bill concerns county governments

This is a Bill concerning county governments in terms of Article 110(1) of the Constitution as public roads fall within the concurrent jurisdiction of both levels of government in terms of paragraph 18 of Part 1 of the Fourth Schedule to the Constitution and paragraph 5 of Part 2 of the Fourth Schedule to the Constitution.

Statement as to whether the Bill is a money Bill within the meaning of Article 114 of the Constitution

The enactment of this Bill shall not occasion expenditure of public funds.

Dated the 2nd February, 2022.

NAISULA LESUUDA,
Member of Parliament.

