

**SPECIAL ISSUE**

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REPUBLIC OF KENYA

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**NATIONAL ASSEMBLY BILLS, 2025**

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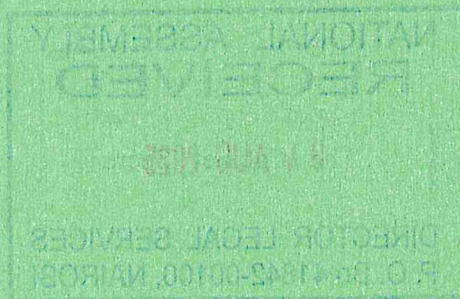
Bill for Introduction into the National Assembly—

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**THE KENYA ROADS (AMENDMENT) (NO. 3) BILL,  
2025**

**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) (No. 3) Act, 2025. Short title.
  
2. Section 2 of the Kenya Roads Act (hereinafter referred to as the “principal Act”) is amended by—
  - (a) deleting the definition of the term “national roads” and substituting therefor the following new definition—
 

“national trunk roads” means national trunk roads as classified under Part A of the First Schedule;
  - (b) inserting the following new definition in its proper alphabetical sequence —
 

“county roads” means county roads as classified under Part B of the First Schedule.Amendment of section 2 of Cap. 408.
  
3. The principal Act is amended by deleting section 47 and substituting therefor the following new section—
 

Classification of roads.

**47. (1)** A public road shall be classified in the manner set out in the First Schedule to this Act.

(2) Where a new public road is established, the responsible Authority or a county government shall submit to the Cabinet Secretary a request in writing for classification of the public road.

(3) The Cabinet Secretary shall in classifying the public roads ensure that—

  - (a) the classification accurately reflects the function served by the public road; and
  - (b) all parts of the country have reasonable access to a national trunk road or a county road.

Amendment of section 47 of Cap. 408.



(4) The Cabinet Secretary shall be responsible for classification of public roads and at least once every five years, review the classification and assignment of public roads.

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

Insertion of a new sections 47A and 47B in Cap. 408.

Responsibilities of county governments.

**47A.** (1) Pursuant to paragraph 5(a) of Part 2 of the Fourth Schedule to the Constitution, each county government shall, within its area of jurisdiction—

- (a) maintain, rehabilitate and develop county roads;
- (b) manage road reserves and facilitate access to roadside developments with respect to county roads;
- (c) implement road policies in relation to county roads;
- (d) ensure adherence to the rules and guidelines on axle load control as prescribed under the Traffic Act and any Regulations made under this Act;
- (e) ensure that the quality of county road works is in accordance with national standards issued by the Cabinet Secretary;
- (f) oversee the management of traffic and road safety on county roads;
- (g) collect and collate all such data related to the use of county roads as may be necessary for efficient planning under this Act;
- (h) monitor and evaluate the use of county roads;
- (i) plan the development and maintenance of county roads;

Cap. 403.



(j) prepare the county investment programme and annual county road works programmes for county roads; and

(k) coordinate with road Authorities or agencies in planning and operations in respect of county roads.

(2) Each county government shall, for purposes of ensuring uniformity with national standards in the roads sector, through its legislation and administrative action, implement and act in accordance with the national policy, standards and guidelines issued by the Cabinet Secretary under this Act.

(3) The county executive committee member responsible for roads shall be responsible for the maintenance, rehabilitation and development of county roads within the respective county.

Road signage

**47B.** (1) A public road shall bear signage indicating its classification, including the level of government responsible for its maintenance, rehabilitation and development.

(2) The Cabinet Secretary shall prescribe the dimensions and additional information to be included in the signage on a public road.

(3) A person shall not erect any signage under this section containing their name, image or likeness.

(4) A person who contravenes the provisions of subsection (3) commits an offence and shall be liable, upon conviction, to a fine not exceeding one million shillings or imprisonment for a term not exceeding two years, or to both.

**5.** The principal Act is amended by deleting the First Schedule and substituting therefor the following Schedule—

Amendment of the  
First Schedule to  
Cap 408.



**FIRST SCHEDULE**

(s. 47)

**PART A—CLASSIFICATION OF NATIONAL TRUNK ROADS**

All national trunk roads shall be classified as follows—

**A1. NATIONAL ROADS**

<b>Functionality</b>	<b>Class</b>	<b>Description</b>
<b>Primary National Trunk Roads (National Roads)</b>	As	Highways connecting cities, a city to a town or a town to another town through the use of grade separation using interchanges, overpasses and underpasses with maximum access control.
	A	Roads and corridors connecting international boundaries and international terminals such as international ports, airports.
	B	Roads forming national routes, linking County headquarters and Municipal headquarters to the cities, to each other or to Class A roads and inter-county.

**A2. URBAN ROADS**

<b>National Trunk Roads (Urban Roads)</b>	Au	Major urban arterials in cities providing through traffic and for relatively long distance movements between widely separated parts of the city with high levels of service that maximizes speed and mobility, consistent with safety and segregation of pedestrian and other non-motorised movements.
	Bu	Minor urban arterials which provide the main means of moving between different zones of the urban area, other than the function provided by any class A roads and include thoroughfares or avenues serving the Central Business District of cities and major towns and principal urban bus routes.
	Cu	Major urban collectors that provide the link between arterials and county roads, distributing traffic to residential and other defined zones, typically taking the form of radial roads between arterials or spine roads serving the main residential areas or other defined zones.



**A3. RURAL ROADS**

<b>Secondary National Trunk Roads</b>	<b>C</b>	Roads linking Sub-County headquarters and other major designated towns to the higher level network or to each other and forming a contiguous network, together with A and B roads.
<b>Special Purpose Roads</b>	<b>SP</b>	Roads providing direct access to places of specific National Social or Economic importance, including industrial and commercial areas and government institutions such as schools, hospitals, prisons, government housing, etc.
<b>Security Roads</b>	<b>SR</b>	Roads strategic to national security as identified by the Ministry responsible for Internal Security and communicated to the Minister from time to time.

**PART B—CLASSIFICATION OF COUNTY ROADS**

<b>Functionality</b>	<b>Class</b>	<b>Description</b>
<b>County Roads</b>	<b>D</b>	Inter-ward roads forming routes of moderate length, linking wards and other minor towns to the Sub-county towns or higher network with the main function of channelling local traffic from lower level roads to higher level roads and centres.
	<b>E</b>	Residual category of roads providing last access to villages, minor markets and homes and shall form the largest proportion of the road network in Kenya.
	<b>Du</b>	These include the main shopping and business streets in the urban CBD or suburbs of larger towns and cities, other than designated minor Arterials and catering to a high level of pedestrian access to commercial properties fronting directly on the street.
	<b>Eu</b>	Roads providing direct access to groups of residential properties, comprising local residential streets and constituting the local tier of the hierarchy of urban roads suitable for motorized transport.



6. Section 6(2) of the Kenya Roads Board Act is amended in paragraph (d) by—

Consequential  
amendments to  
section 6 of Cap.  
408A.

- (a) deleting the words “twenty-two percent” appearing in sub-paragraph (i) and substituting therefor the words “twenty-one percent”;
- (b) deleting the words “forty percent” appearing in sub-paragraph (iii) and substituting therefor the words “thirty-six percent”;
- (c) deleting the words “fifteen percent” appearing in sub-paragraph (iv) and substituting therefor the words “fourteen percent”;
- (d) deleting sub-paragraph (v) and substituting therefor the following new sub-paragraph—

“(v) one percent of the allocated funds is allocated in respect of roads in national parks and reserves to be administered by the Kenya Wildlife Service; and a maximum of one and a half percent of the allocated funds is allocated in respect of the recurrent expenditure of the Board under section 31(5);”

- (e) inserting the following new sub-paragraphs immediately after sub-paragraph (vi)—

“(vii) one and a half percent of the allocated funds is allocated to the department responsible for matters relating to roads in respect of execution of the functions stipulated under paragraph 18 of Part 1 of the Fourth Schedule to the Constitution; and

(viii) five percent of the allocated funds is allocated to county governments under Article 202(2) of the Constitution.”

- (f) inserting the following new subsections immediately after subsection (2)—

“(3) In the utilisation of the funds under subsection (2)(d)(viii), a county government shall

- (a) designate a department or division responsible for the maintenance,



rehabilitation and development of county roads;

- (b) open and maintain a special purpose account at the Central Bank of Kenya into which shall be deposited the funds under subsection 2(d)(viii);
- (c) comply with the standards for the maintenance, rehabilitation and development of roads as may be set out by the Cabinet Secretary; and
- (d) at least six months before the commencement of every financial year, submit to the Board an annual road programme approved by the respective county executive committees.

(4) The Board shall—

- (a) specify the form and content of an annual road programme under subsection (3)(c); and
- (b) monitor and evaluate all works, goods and services financed by the Fund.

(5) The Board may take such remedial, supplementary or alternative measures to ensure compliance with the conditions under this Act or any other written law.”



## **MEMORANDUM OF OBJECTS AND REASONS**

### **Statement of the Objects and Reasons for the Bill.**

The principal object of this Bill is to amend the Kenya Roads Act, Cap. 408 to classify public roads into national trunk roads and county roads and to vest the management of county roads under the county governments. This classification is intended to provide clarity in the maintenance, rehabilitation and development of the road network across the country. Further, the Bill seeks to give effect to paragraph 5(a) of Part 2 of the Fourth Schedule to the Constitution.

Additionally, to achieve this objective, the Bill proposes consequential amendments to the Kenya Roads Board Act, Cap. 408A to allocate funds from the proceeds of the Road Maintenance Levy Fund to county governments for the maintenance, rehabilitation and development of county roads within their respective jurisdiction. This is aimed at ensuring that the county governments have access to financial resources specifically earmarked for the maintenance, rehabilitation and development of county roads.

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

This Bill delegates legislative powers to the Cabinet Secretary responsible for roads to prescribe the dimensions and any additional information to be included on signage erected on public roads. It does not limit fundamental rights and freedoms.

### **Statement as to whether the Bill concerns county governments.**

This is a Bill concerning county governments in terms of Article 110(1) (a) of the Constitution as it contains provisions affecting the functions and powers of the county governments.

### **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 additional expenditure of public funds.

Dated the 9th July, 2025

PETER KALUMA,  
*Member of Parliament.*



*Section 47 of Cap. 408 which is intended to be amended—*

**47. Roads to be classified**

(1) All public roads under the management of an Authority shall be classified in the manner set out in the First Schedule.

(2) In addition to the classification under subsection (1), each public road shall have such number, name or description as to uniquely identify it among all other roads of its class within the country.

(3) All existing road categorisations and classifications and associated identity numbers defined by the Roads Department of the Ministry responsible for roads prior to the commencement of this Act shall, for the time being, be maintained after the commencement of this Act.

(4) All existing road categorisations and classifications and associated identity numbers defined by the roads section of the Urban Development Department of the Ministry responsible for Local Government or a local Authority prior to the commencement of this Act shall be maintained for the time being after the date of commencement of this Act, save for such amendments as may be necessary to ensure consistency and compliance with the need for unique identity numbers.

(5) An Authority may with the authority of the Cabinet Secretary published in the *Gazette*, add, modify or remove the category of a road.



*The First Schedule to Cap. 408 which is intended to be amended—*

## **FIRST SCHEDULE**

[ss. 2, 47]

### **CLASSIFICATION OF PUBLIC ROADS**

All public roads in Kenya shall be classified as follows—

#### **PART A - NATIONAL ROADS**

<b>Class</b>	<b>Description</b>
<b>CLASS A</b>	International trunk roads linking centres of international importance and crossing international boundaries or terminating at international ports.
<b>CLASS B</b>	National trunk roads linking nationally important centres.
<b>CLASS C</b>	Primary roads linking provincially important centres to each other or two higher class roads.

#### **PART - RURAL ROADS**

<b>Class</b>	<b>Description</b>
<b>CLASS D</b>	Secondary roads linking locally important centres to each other, to more important centres or to higher class roads.
<b>CLASS E</b>	Any link to a minor centre.
<b>Class</b>	<b>Description</b>
<b>CLASS F</b>	Forest roads.
<b>CLASS G</b>	Roads serving Government institutions.
<b>CLASS K</b>	Roads accessing coffee (kahawa) growing areas.
<b>CLASS L</b>	Roads accessing settlement scheme areas.
<b>CLASS P</b>	National park roads.
<b>CLASS R</b>	Roads accessing rural areas.
<b>CLASS S</b>	Roads accessing sugar growing areas.
<b>CLASS T</b>	Roads accessing tea growing areas.
<b>CLASS U</b>	Unclassified rural roads including mining roads, etc.
<b>CLASS W</b>	Roads accessing wheat growing areas.



**PART C – URBAN ROADS**

<b>Class</b>	<b>Description</b>
<b>CLASS UA</b>	Urban Arterials.
<b>CLASS UC</b>	Urban Collectors including primary distributors, district distributors.
<b>CLASS UL</b>	Urban local roads including minor distributors, local streets, residential stand accesses, commercial and industrial stand accesses, shopping streets.



*Section 6 of Cap. 408A which is intended to be amended—*

**6. Object and purpose of the Board.**

(1) The object and purpose for which the Board is established is to oversee the road network in Kenya and coordinate the maintenance, rehabilitation and development funded by the Fund and to advise the Cabinet Secretary on all matters related thereto.

(2) Without prejudice to the generality of subsection (1), the Board shall—

- (a) co-ordinate the optimal utilisation of the Fund in implementation of programmes relating to the maintenance, rehabilitation and development of the road network;
- (b) seek to achieve optimal efficiency and cost effectiveness in roadworks funded by the Fund;
- (c) manage the Fund and allocate monies from the Fund in the following manner—
  - (i) fifty per cent of the Fund shall be allocated in accordance with paragraph (d); and
  - (ii) fifty per cent of the Fund shall be allocated for the purposes of section 32A(2);
- (d) based on a five year road investment programme approved by the Cabinet Secretary and the Cabinet Secretary for Finance, determine the allocation of financial resources required by road agencies for the maintenance, rehabilitation and development of the road network to ensure that the allocation of funds is pegged to specific categories of roads and that not less than—
  - (i) twenty-two percent, which shall be deposited into a special bank account to be called Constituency Roads Fund Account to be maintained by every Constituency of the allocated funds is allocated equally to all constituencies in the country to be administered by the Rural Roads Authority;
  - (ii) ten percent of the allocated funds is allocated for the maintenance or development of link roads between constituencies and to serve as Government counterpart funds in funding works on rural roads, to be administered by the Kenya Rural Roads Authority and that the said percentum shall be equally distributed to the Constituencies where Kenya Rural Roads Authority has the mandate;



- (iii) forty percent of the allocated funds is allocated in respect of the national roads to be administered by the National Highways Authority;
  - (iv) fifteen percent of the allocated funds is allocated in respect of the urban roads to be administered by the Urban Roads Authority; and
  - (v) one percent of the allocated funds is allocated in respect of roads in national parks and reserves to be administered by the Kenya Wildlife Service; and a maximum of two percent of the allocated funds is allocated in respect of the recurrent expenditure of the Board under section 31(5);
- (e) ensure that the remainder of the monies from the Fund described in paragraph (d) shall be allocated annually by the Board with the approval of the Cabinet Secretary to road authorities based on an annual work programme derived from the five-year road investment programme approved by the Cabinet Secretary responsible for roads and the Cabinet Secretary for Finance;
  - (f) ensure that a maximum of ten percent of all monies allocated to each road agency is utilized for development purposes by the said agency;
  - (g) monitor and evaluate, by means of technical, financial and performance audits, the delivery of goods, works and services funded by the Fund;
  - (h) in implementing paragraph (g), pay due regard to public procurement and disposal regulations and additional guidelines issued or approved by the Cabinet Secretary;
  - (i) recommend to the Cabinet Secretary appropriate levels of road user charges, fines, penalties, levies or any sums required to be collected under the Road Maintenance Levy Fund Act (Cap. 427) and paid into the Fund;
  - (j) recommend to the Cabinet Secretary such periodic reviews of the fuel levy as are necessary for the purposes of the Fund;
  - (k) identify, quantify and recommend to the Cabinet Secretary such other potential sources of revenue as may be available to the Fund for the development, rehabilitation and maintenance of roads; and
  - (l) The Highways Authority, the Rural Roads Authority and the Urban Roads Authority may utilize such portion of monies received from the Fund for operational and administrative



expenses as may be approved by the Cabinet Secretary on the advice of the Board:

Provided that such expenditure shall not in any year exceed, as a proportion of the projected annual expenditure of the Fund—

- (i) in the case of the Highways Authority, four percent;
- (ii) in the case of the Rural Roads Authority, five and half percent;  
and
- (iii) in the case of the Urban Roads Authority, five and a half percent.