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REPUBLIC OF KENYA



THE SENATE



13TH PARLIAMENT | 5TH SESSION

DIRECTORATE OF SOCIO-ECONOMIC COMMITTEES

STANDING COMMITTEE ON ROADS, TRANSPORTATION, AND
HOUSING

REPORT ON THE KENYA ROADS (AMENDMENT) (NO. 3) BILL
(NATIONAL ASSEMBLY BILL NO. 34 OF 2025)

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Rt. Hon. Speaker

You may approve for tabling
J. M. Nyegenye, C.B.S.,
Clerk of the senate/secretary, PSC
Date: 17/06/26

[Signature]

Clerk's Chambers,
The Senate,
Parliament Buildings,
NAIROBI.



JUNE, 2026

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LIST OF ABBREVIATIONS/ACRONYMS

CoG	Council of Governors
CRA	Commission of Revenue
IEK	Institution of Engineers of Kenya
Kenya	National Highways Authority
KPDA	Kenya Property Developers Association
KRB	Kenya Roads Board
KURA	Kenya Urban Roads Authority
MP	Member of Parliament
RMLF	Road Maintenance Levy Fund
SAGA	Semi-Autonomous Government Agencies

LIST OF STATUTES AND REGULATIONS

1. The Constitution of Kenya
2. The Kenya Road Act, Cap 408
3. The Kenya Roads Act, Cap 408A
4. The Road Levy Maintenance Fund Act, Cap 427
5. The Senate Standing Orders.

PRELIMINARIES

A. Establishment and Mandate of the Committee

Article 124 (1) of the Constitution of Kenya provides that each House of Parliament may establish Committees and shall make Standing Orders for the orderly conduct of its proceedings, including the proceedings of its committees.

The Senate Standing Committee on Roads, Transportation, and Housing is established under the Standing Order 228 (3) and the Fourth Schedule of the Senate Standing Orders. The Committee is mandated to consider all matters relating to Transport, Roads, public works, Housing, Construction and Maintenance of Roads, Rails and buildings, Air, Seaports and Communications¹.

B. Membership of the Committee

The Committee comprises the following members-

1. Sen. Eddy Gicheru Oketch, MP	-Chairperson
2. Sen. (Dr.) Steve Lelegwe Ltumbesi, CBS, MP	-Vice-Chairperson
3. Sen. Moses Otieno Kajwang', CBS, MP	-Member
4. Sen. Enoch Kiio Wambua, CBS, MP	-Member
5. Sen. John Kinyua Nderitu, MP	-Member
6. Sen. Mohamed Said Chute, CBS, MP	-Member
7. Sen. Peris Pesi Tobiko, CBS, MP	-Member
8. Sen. Miraj Abdillahi, MP	-Member
9. Sen. Crystal Asige, MP	-Member

C. Functions of the Committee

Pursuant to Standing Order 228 (4), the Committee is mandated to –

- a) Investigate, inquire into, and report on all matters relating to the mandate, management, activities, administration, and operations of its assigned ministries and departments;

¹ Senate Standing Order, (2023). The Government of Kenya

- b) Study the programme and policy objectives of its assigned ministries and departments, and the effectiveness of the implementation thereof;
- c) Study and review all legislation referred to it;
- d) Study, assess, and analyse the success of the ministries and departments assigned to it as measured by the results obtained as compared with their stated objectives;
- e) Consider the Budget Policy Statement in line with the Committee's mandate;
- f) Report on all appointments where the Constitution or any law requires the Senate to approve;
- g) Make reports and recommendations to the Senate as often as possible, including recommendations of proposed legislation;
- h) Consider reports of Commissions and Independent Offices submitted to the Senate pursuant to the provisions of Article 254 of the Constitution;
- i) Examine any statements raised by Senators on a matter within its mandate; and
- j) Follow up and report on the status of implementation of the resolution within their mandate.

D. Government Agencies and Departments under the purview of the Committee

In exercising its mandate, the the Committee oversees the County Governments, Ministries, departments, and various Semi-Autonomous Government Agencies (SAGAs), namely –

- 1) Ministry of Roads and Transport,
 - (i) State Department for Roads;
 - (ii) State Department for Transport; and
 - (iii) State Department for Aviation and Aerospace Development.
- 2) Ministry of Mining, Blue Economy, and Maritime Affairs – State Department for Shipping and Maritime Affairs,
- 3) Ministry of Lands, Public Works, Housing and Urban Development,
 - (i) State Department for Housing and Urban Development; and
 - (ii) State Departments for Public Works.

CHAIRPERSON'S FOREWORD

The Kenya Roads (Amendment) (No.3) Bill, 2025 (National Assembly Bills No.34 of 2025) sponsored by Hon. Peter Kaluma, was read a First Time in the Senate on Wednesday 29th October, 2025, and referred to the Standing Committee on Roads, Transportation & Housing to facilitate public participation to consider the views and recommendations of the public when it submits its report to the Senate.

Hon. Speaker,

Pursuant to Article 118 of the Constitution and standing order 145 (5) of the Senate Standing Orders, the Committee published an advertisement in the Daily Nation and Star Newspapers on Wednesday, 12th November, 2025 inviting members of the public to submit written memoranda to the Committee on the Bill. The advertisement was also posted on the Parliament website and social media platforms. The Committee also held meetings with targeted stakeholders including the Ministry of Roads and Transport and the Council of Governors; and sought advisories from the Commission on Revenue Allocation and the Institution of Engineers Kenya.

The Committee proceeded to consider the Bill extensively and observed that the Kenya Roads (Amendment) (No.3) Bill, 2025 (National Assembly Bills No.34 of 2025) sought to amend the Kenya Roads Act, *Cap 408* (the Act) to reclassify roads in Kenya and to provide for the responsibilities of County governments in regard to County roads.

The Bill further amends the manner in which the Road Maintenance Levy is apportioned under the Kenya Roads Board Act, *Cap 408 A*. The proposed amendments are intended to align road infrastructure governance with the provisions of Constitution on devolved governance.

The Committee made the following observations during consideration of the Bill, THAT –

- a) The existing roads legal framework predates the Constitution of Kenya, 2010 and is therefore not fully aligned with the devolved system of government, particularly in relation to road classification, institutional mandates and resource allocation;

- b) While the Bill advances devolution by recognizing County Roads and providing for direct county funding, the proposed allocation of five per cent (5%) of the Road Maintenance Levy Fund is inadequate given the extensive road network under the management of County Governments;
- c) The continued management of county roads by the Kenya Rural Roads Authority (KeRRA) and the Kenya Urban Roads Authority (KURA) is inconsistent with the constitutional distribution of functions and undermines the principles of devolution; and
- d) The current framework for the administration of the Road Maintenance Levy Fund may affect efficiency, accountability and transparency in the management of road maintenance resources.

Hon. Speaker,

Consequently, the Committee having reviewed the Kenya Roads (Amendment) (No.3) Bill, 2025 (National Assembly Bills No.34 of 2025) recommends that the House approves the Bill together with the proposed amendments attached as *Appendix 1* to this report.

The Minutes of the Committee in considering the Kenya Roads (Amendment) (No.3) Bill, 2025 (National Assembly Bills No.34 of 2025) are annexed to this Report as *Appendix 2*. This Report by the Committee is therefore an account of the deliberations, including its resolutions at Committee Stage Amendments attached to the Report as *Appendix 1*.

Hon. Speaker,

May I take this opportunity to commend the Members of the Committee for their devotion and commitment to duty, which made the consideration of the Bill successful. I also wish to thank the Offices of the Speaker and the Clerk of the Senate for the support extended to the Committee in undertaking this assignment.

Hon. Speaker,

It is now my pleasant duty, pursuant to standing order 148(1) of the Senate Standing Orders, to present the Report of the Standing Committee on the Roads, Transportation & Housing on the Kenya Roads (Amendment) (No.3) Bill, 2025 (National Assembly Bills No.34 of 2025).

SIGNED.......... DATE *Thursday, 11th June, 2026*

CHAIRPERSON: SEN. EDDY GICHERU OKETCH, MP

STANDING COMMITTEE ON ROADS, TRANSPORTATION & HOUSING

CHAPTER ONE: INTRODUCTION

1. The Kenya Roads (Amendment) (No.3) Bill, 2025 (National Assembly Bills No.34 of 2025) sponsored by Hon. Peter Kaluma, was passed by the National Assembly on Tuesday 7th October, 2025, read a First Time in the Senate on Wednesday 29th October, 2025, and thereafter stood committed to the Standing Committee on Roads, Transportation and Housing for consideration pursuant to Standing Order 145.
2. In compliance with the provisions of Article 118(1) (b) of the Constitution and Senate Standing Order 145 (5), the Committee undertook public participation on the Bill through advertisements in Daily Nation and Star Newspapers on Wednesday 12th November, 2025, inviting members of the public to appear and submit any representations they may have on the Bill by way of written memoranda by 27th November, 2025. Additionally, the Committee invited relevant stakeholders to submit their memoranda during the public hearing. *A copy of the advertisement is attached to this report as Appendix 4.*
3. Following the call for submissions, the Committee received submissions from the Ministry of Roads and Transport, the Council of Governors (CoG), the Institution of Engineers Kenya (IEK), and the Commission on Revenue Allocation (CRA). The Committee thereafter proceeded to consider the matrix on the proposed amendments of the Bill and all the submissions received.

1.1 BACKGROUND

4. Road transport is the dominant mode of transport in Kenya, accounting for approximately 93% of freight and passenger traffic.² The country's road network, is estimated at 162,600 km of which 45,532 km is managed by the National Government, and 117,068 is managed by the County Governments.³ The road

² https://www.gicc.kr/gicc/files/2019/0213/2-7_Kenya_Kenya_Urban_Roads_Authority.pdf

³ <https://transport.go.ke/sites/default/files/INTP%20REVIEWS%20MARCH%202024%20SESA.pdf>

network enhances connectivity, facilitates trade, supports socio-economic development, and serves as a key enabler of Kenya Vision 2030.

5. The Kenya Roads Act establishes the Kenya National Highways Authority (KeNHA), the Kenya Urban Roads Authority (KURA) and the Kenya Rural Roads Authority (KeRRA) to manage, develop and maintain roads, while the Kenya Roads Board (KRB), established under Section 3 of the Kenya Roads Board Act, administers the Road Maintenance Levy Fund (RMLF), which is the primary source of financing for road maintenance activities.
6. Pursuant to Article 186 and the Fourth Schedule of the Constitution, responsibility for road management is shared between the two levels of government, with National Trunk Roads assigned to the National Government and County Roads assigned to County Governments. County Governments are mandated to plan, develop, rehabilitate and maintain county roads, and to implement national policies, standards and guidelines relating to road infrastructure.⁴

1.2 JUSTIFICATION

7. Despite the constitutional assignment of road functions between the two levels of government, the principal legislation governing the roads sector predates the Constitution of Kenya, 2010. Consequently, the existing statutory framework does not fully reflect the devolved system of government, resulting in inconsistencies relating to road classification, institutional mandates and the allocation of road maintenance funds between the National and County Governments.
8. In particular, while County Governments are responsible for the larger portion of the country's road network, the existing statutory framework does not provide a clear mechanism for the direct allocation of Road Maintenance Levy Fund resources to County Governments. Under Section 6 of the Kenya Roads Board Act, Cap. 408A, the Kenya Roads Board allocates funds to road agencies for the maintenance, rehabilitation and development of roads, with allocations being

⁴ Kenya, L. O. (2013). *The constitution of Kenya: 2010* (pp. 22-29). Nairobi, Kenya: Chief Registrar of the Judiciary: Accessed at: <https://new.kenyalaw.org/akn/ke/act/2010/constitution/eng@2010-09-03>

administered through the national road agencies established under the Kenya Roads Act. This has created a disconnect between the constitutional assignment of road functions and the statutory framework for financing road maintenance.

9. The Kenya Roads (Amendment) (No. 3) Bill, 2025 seeks to address these gaps by amending the Kenya Roads Act, *Cap. 408* to provide for the classification of roads and to clarify the responsibilities of County Governments in respect of county roads. The Bill further amends the framework for the apportionment of the Road Maintenance Levy Fund under the Kenya Roads Board Act, *Cap. 408A*. The proposed amendments are intended to align road infrastructure governance and financing with the constitutional framework on devolved government.

1.3 OBJECT OF THE BILL

10. The Kenya Roads (Amendment) (No.3) Bill, 2025 (National Assembly Bills No 34 of 2025) seeks to reclassify public roads into National trunk roads and County roads while providing for the responsibilities of County governments in regard to County roads. Further, it amends the manner in which the Road Maintenance Levy is apportioned under the Kenya Roads Board Act, *Cap 408 A* and requires that when a new road is established, the responsible authority must request its classification from the Cabinet Secretary, who must ensure the classification reflects the road's function and guarantees access across all regions.

1.4 OVERVIEW OF THE BILL

11. The Bill proposes to amend various sections of the Kenya Roads Act, *Cap 408* to align the management and governance of roads with the constitutional framework on devolved government by reclassifying public roads and clearly delineating the responsibilities of the National and County Governments in relation to road infrastructure. The Bill further amends the manner in which the Road Maintenance Levy is apportioned under the Kenya Roads Board Act, *Cap 408 A*.
12. **Clause 2** of the Bill proposes to amend **Section 2** of the Kenya Roads Act, *Cap. 408* (the principal Act) by deleting the definition of the term “national roads” and

substituting it with the term “national trunk roads” which is defined as a road classified under Part A of the First Schedule and further to insert the definition of “County roads” which is defined as roads classified under Part B of the First Schedule.

13. Moreover, **Clause 3** of the Bill proposes an amendment of **Section 47** of the principal Act by deleting the section and substituting it with a new section that provides for the classification of roads and highlighting that –

Section 47

- (1) A public road be classified in the manner set out in the First Schedule.
 - (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 roads
 - (3) The Cabinet Secretary shall in classifying the public roads to ensure that –
 - (a) the classification accurately reflects the function served by the public road; and
 - (b) all parts of the country to have reasonable access to a national trunk road or a County road.
 - (4) The Cabinet Secretary shall classify public roads in consultation with the relevant County government and at least once every five years, review the classification and assignment of public roads.
14. **Clause 4** of the Bill proposes the amendment of the principal Act by inserting the following new sections immediately after section 47. The proposed **Section 47A** provides that –
- (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;
- (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.

15. Further **Section 47 B** provides on the requirements for roads signage as follows –

- (1) A public road shall bear signage indicating its
 - (a) classification, including the level of responsibility for its maintenance, rehabilitation and development; and
 - (b) road code.
- (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.

16. **Clause 5** of the Bill proposes that the principal Act by deleting the First Schedule and substituting the following schedule –

FIRST SCHEDULE

PART A – CLASSIFICATION OF NATION TRUNK ROADS

All national trunk roads shall be classified as follows –

A1. NATIONAL ROADS

Functionality	Class	Description
Primary National Trunk Roads (National Roads)	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 and 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

Functionality	Class	Description
National Trunk Roads (Urban Roads)	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,

Functionality	Class	Description
		consistent with safety and segregation of pedestrian and other non-motorized 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, towns or other defined zones

A3. RURAL ROADS

Functionality	Class	Description
Secondary	C	Roads linking major designated towns and
National Trunk Roads		forming a continuous network with Class A and Class B roads
Special Purpose Roads	SP	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.

Functionality	Class	Description
Security Roads	SR	Roads strategic to national security as identified by the Ministry responsible for Internal Security and communicated to the Minister from time to time.
Last Mile City	LM	Link roads providing last mile connection in cities by collecting substantial traffic from arterials and conveying the same to residential terminals so as to form a contiguous network between residential areas and estates or other defined zones.

PART B – CLASSIFICATION OF COUNTY ROADS

Functionality	Class	Description
County Roads	D	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 channeling local traffic from lower level roads to higher level roads and centers
	E	Residential category of roads providing last access to villages, minor markets and homes and shall form the largest proportion of the roads network in Kenya.
	Du	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.

Functionality	Class	Description
	Eu	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.

17. **Clause 6** of the Bill seeks to amend section 6 of *Cap 408 A*, to change the manner of allocation and apportionment of the Road Maintenance Levy. The Bill proposes to –

- (a) Increase allocation of the Constituency fund from 22% to 25%
- (b) Reduce allocation to link roads between constituency roads from 10% to 7%
- (c) Increase the allocation to National Highway Authority from 38% to 40%
- (d) Reduce the allocation to Kenya Urban Roads Authority from 15% to 14%

18. On allocation the Bill further proposes to –

- (a) Allocate 1% to Kenya Wildlife service which retains the percentage as provided for in the Act
- (b) Allocate 1% to the board for recurrent expenditure which is a deduction from the current allocation of a maximum of 2%
- (c) Introduce a new allocation of –
 - i. 1.5% to the department responsible for roads
 - ii. 5% to the county governments to be allocated in accordance with Article 202 (2) of the Constitution

19. The Bill further provides that –

- (3) the Cabinet Secretary shall utilise funds allocated under **sub-paragraph (vii)** to provide for equity in roads maintenance, road-related emergencies, primary oversight and administration expenses;

20. Section 6 (4) and (5) sets out conditions to the funds that are located to the counties and requires that the Board shall not approve any disbursement of funds to a County Government unless the County Government has met the following requirements
- (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
21. The Bill further proposes that the Board shall specify the form and content of the annual road programme to be submitted by County Governments and monitor and evaluate all works, goods and services financed by the Fund. Additionally, the Board may take such remedial, supplementary or alternative measures as may be necessary to ensure compliance with the conditions prescribed under the Act or any other written law.

1.5 CONSEQUENCES OF THE BILL

22. The proposed amendments in the Bill, which introduce a new classification system that includes County roads and also allocates 5% of the road levy to counties, mark a significant shift toward strengthening devolution. Formally recognizing County roads, ensures counties have direct financial support for road projects, potentially improving rural connectivity, boosting local economies, and enhancing service delivery. However, the proposed allocation is far too low as compared to the road coverage in the country

CHAPTER TWO: OVERVIEW OF PUBLIC PARTICIPATION ON THE BILL

2.1 COMMITTEE UNDERTAKINGS

23. The Committee held a total of eight (8) meetings on the Bill, where it met with various stakeholders and considered the submissions. The Minutes of the meeting are annexed to this Report as *Appendix 2*, while a copy of the Bill is annexed as *Appendix 3* to this report.
24. The Committee published an advertisement in the daily newspapers on Wednesday, 12th November, 2025 inviting members of the public to submit written memoranda on the Kenya Roads (Amendment) (No.3) Bill, 2025 (National Assembly Bills No 34 of 2025). Bill. The advertisement was also posted on the Parliament website and social media platforms. A copy of the advertisement is annexed to this Report as *Appendix 4*.
25. Subsequently, during the consideration of the Bill, the Committee resolved to invite additional submissions from the key stakeholders, including –
 - (a) The Ministry of Roads and Transport;
 - (b) The Council of Governors (CoG);
 - (c) The Commission on Revenue Allocation (CRA); and
 - (d) The Institution of Engineers of Kenya (IEK).
26. The Committee thereafter proceeded to consider the matrix on the proposed amendments of the Bill and all the submissions received. The detailed submissions by stakeholders, organized clause-by-clause, are set out in a matrix attached as *Appendix 5*.
27. Additionally, copies of stakeholder submissions on the Bill are attached collectively as *Appendix 6*.

2.2 STAKEHOLDERS' SUBMISSIONS AND COMMITTEE RESOLUTIONS

2.2.1 Clause 2

28. **Clause 2** of the Bill proposes to amend **Section 2** of the Kenya Roads Act by adding the definition of the “Council of County Governors” and to delete the definition of “Rural Roads Authority”, and “Rural roads”. The rationale for the two amendments is that the term “Council of County Governors” has been added to the Bill and that the Committee proposes deleting the two definitions.

2.2.2 Clause 3

Classification and Reclassification of Roads

29. **Clause 3** of the Bill proposes to delete **section 47** of the Kenya Roads Act *Cap. 408* and introduce a new section which sets up requirements for the classification of public roads.
30. The **Council of Governors (COG)** proposed an amendment to this clause to provide for the establishment of a joint intergovernmental mechanism involving the national government the relevant County Government and the Council of Governors, ensuring that the classification, reclassification and periodic review of roads, is anchored in law and guided by Article 6(2) on consultation and cooperation. The COG thought that giving the Cabinet Secretary powers to classify and reclassify all roads, including county roads is inconsistent with Article 186 and the Fourth Schedule which assigns county roads exclusively to County Governments. This is centralized as a devolved function.

The Committee accepted the proposal on basis that roads are a concurrent function and therefore there is need for concurrence on the classification of new roads and the reclassification of existing roads.

31. On the amendment of **section 47 of Cap 408** on classification of roads, the **Ministry of Roads** were of the opinion that classification of roads is a function of the National Government under the Fourth Schedule of the Constitution. They emphasized that this function involves the determination of the basis, rationale,

and technical approach for overall classification of roads in Kenya to align to regional and global frameworks, conventions and standards. The Ministry added that the Roads Board has therefore undertaken a comprehensive Roads Network Survey covering the entire Kenya road network.

The Committee declined this proposal, noting that Paragraph 18 of Part I of the Fourth Schedule to the Constitution mandates the National Government to develop standards for the construction and maintenance of roads but does not give the Ministry an exclusive function to classify roads.

Committee resolution

*The Committee proposed that **section 47** to require consultation between the Council of Governors and the Cabinet Secretary when classifying roads.*

2.2.3 Clause 4

Responsibilities of County governments and Road Signage

32. **Clause 4** proposes to introduce two new sections; 47A and 47B into the principal Act. **Section 47A** sets out the responsibilities of county governments for the planning, construction, maintenance, rehabilitation and management of county roads. It also requires counties to adhere to national standards and to coordinate with national agencies where necessary. **Section 47B** requires the erection of road signage that will show both the classification of the road and which level of government is responsible for it.
33. The **Ministry of Roads** stated that the Constitution recognizes two categories of Roads; National and County roads. However, they did not propose, but rather believed, that the section provides clarity on the mandate, roles, and responsibilities of both levels of Government to ensure accountability. The COG on their part, highlighted that the inclusion of these two sections would give clear legal effect to paragraph 5(a) of Part 2 of the Fourth Schedule to the Constitution and bring much-needed clarity for both road users and the two levels of government.

34. However, the **Institution of Engineers of Kenya** proposed the establishment of technically competent County Roads Service Agencies to undertake planning, development, maintenance and management of county roads, under the supervision of qualified engineering professionals.

The Committee rejected this proposal by the Institution of Engineers of Kenya because the provision is already included in the Bill under clause 6 5(a) which requires counties to allocate a department on classification for roads.

2.2.4 Clause 5

First Schedule

35. The Bill proposes the replacement of the First Schedule to the principal Act to provide for the classification of public roads into National Trunk Roads and County Roads. National Trunk Roads are classified as National Roads (Class As, A, B), Urban Roads (Class Au, Bu, Cu) and Rural Roads (Class C, SP, SR, LM), while County Roads are classified into Classes D, E, Du and Eu.
36. Further, while underscoring that there are several classes of roads that the Bill still places under national trunk roads which they considered as functions that properly belong to counties under Part 2 of the Fourth Schedule, the **Council of Governors** proposed the following targeted adjustments to the First Schedule –

(a) **Minor urban arterials (Class Bu)** that serve central business districts and major towns should be reclassified as county roads. These are the roads that form part of internal urban circulation and local planning, functions assigned to counties under Article 184 and the Urban Areas and Cities Act. Examples include Tom Mboya Street or River Road in Nairobi CBD, the main avenues in Kisumu or Eldoret that handle daily local commerce and pedestrian traffic.

(b) **Secondary rural roads (Class C)** linking major towns should be moved to the county roads category, with a revised description: “Roads linking county headquarters to each other, to cities and municipalities, and forming a continuous network with Classes A and B.” These are the roads Kenyans

use every day to move produce to market or travel between county towns — for instance, the links between Nakuru and neighbouring towns in the Rift Valley or between county headquarters across the former provinces. Rural roads are explicitly devolved; retaining them under national classification would not fully align with Article 186(2) and the principle of subsidiarity.

(c) **Urban collectors (Class Cu)** and shopping/business streets (Class Du) should likewise be placed under county roads. These handle local traffic distribution and pedestrian access within towns and cities — core elements of county planning and land-use management. Examples include the collector streets in residential estates of Mombasa or the bustling shopping streets in our market centres and suburbs.

(d) **Security roads (Class SR)** should remain national, but the word “rural” should be removed from their description so that there is no overlap with devolved functions while fully protecting national security interests under Articles 238 to 240 Constitution.

37. The Justification of this proposal by the COG was based on the fact that according to the Kenya Roads Register 2024, counties are already responsible for 182,092 km (76.15%) of Kenya’s entire road network of 239,122 km, and therefore the classification of roads is one of the most critical aspects of the Bill. They further added that Clauses 2, 3 and 5 of the Bill introduce new definitions of “**national trunk roads**” and “**county roads**”, replace section 47 of the principal Act and substitute the First Schedule, thereby creating two categories of public roads, namely national trunk roads and county roads.
38. However, despite recognizing county roads as a distinct category consistent with the Fourth Schedule to the Constitution, the Council contended that certain classes of roads proposed to be classified as national trunk roads perform functions that properly fall within the mandate of County Governments.

*The Committee accepted the proposal to classify roads into National Trunk Roads and County Roads and further reclassify **Class Bu, Class Cu, Class Du, Class Eu, Class C, Class D and Class E roads** as County Roads, based on the following –*

- (a) The proposed framework aligns with Article 186 and the Fourth Schedule to the Constitution and provides clarity in the assignment of road functions between the National Government and County Governments; and*
 - (b) The roads falling within the constitutional mandate of County Governments and currently administered by the Kenya Rural Roads Authority (KeRRA) and the Kenya Urban Roads Authority (KURA) should be transferred to County Governments to give full effect to the constitutional allocation of functions and strengthen devolution in road management*
39. On the other hand, the **Ministry of Roads** recommended an amendment to the First Schedule and substitution thereof with the revised schedule. There justification was that the revised schedule under the proposed classification will ensure that no road or part of the road network is left unattended. Further, the classification aligns with the regional and international protocols for classification of roads, the Ministry proposed further improvement on the section of the **Secondary National Trunk Road C, to be defined as “Roads linking major designated towns and forming a contiguous network with A and B road.**

The Committee rejected the proposal because the provision was already included in the amendment.

40. Further, the Ministry proposed additional amendments to the classification and descriptions of various categories of roads to enhance clarity and reflect the functional characteristics of the road network. In respect of National Roads, the Ministry proposed as follows –

PART A – NATIONAL TRUNK ROADS

Primary National Trunk Roads

- (a) **Class As** - highways with grade-separated interchanges, overpasses and underpasses, designed for High-volume. High-speed traffic; may be tolled

- (b) **Class A** – Strategic routes connecting international boundaries and terminals, including corridors recognised under the Trans Africa Highway and East African Roads Networks
- (c) **Class B** – Important roads linking county and municipal headquarters to cities, to each other and to Class A roads; Inter-county
- (d) **Class Au** – Major Urban Arterials in cities providing through traffic and long-distance movement between separated parts of the city.
- (e) **Class Bu** – Minor urban arterials moving traffic between zones of the urban area, including thorough fares serving the CBD and principal urban bus routes.

Secondary National Trunk Roads (Collector Roads)

- (a) **Class C** – Roads linking Sub-County headquarters and other major designated towns to the higher level network or to each other, forming a contiguous network with Class A and B roads.
- (b) **Class Cu** – Major Urban collectors linking arterials and local roads, distributing traffic to residential and other defined zones

Secondary National Trunk Roads (Special Purpose Roads)

- (a) **Class SP** – Roads providing direct access to places of specific national social or economic importance, including industrial and commercial areas and government institutions (schools, hospitals, prisons, government housing)

Secondary National Trunk Roads (Security Roads)

- (a) **Class SR** – Intra-county roads strategic to national security in insecurity prone counties identified by the Ministry responsible for Internal security, managed by the national agencies as instructed by the Cabinet Secretary responsible for Roads.

PART B – COUNTY ROADS

County Roads (Local Roads)

- (a) **Class D** – Inter-ward roads of moderate length linking wards and minor towns to Sub-County towns or the higher network channel local traffic from lower-level roads to higher-level roads
- (b) **Class E** – Residual category providing last access to villages, minor markets and homes; the largest proportion of the road network in Kenya
- (c) **Class Du** – Main shopping and business streets in urban CBDs and suburbs of larger towns and cities. With high pedestrian access to commercial properties.
- (d) **Class Eu** – Local residential streets providing direct access to groups of residential properties; local tier of the urban roads hierarchy.

The Committee declined the proposal

Committee Resolution

The Committee resolved to amend clause 5 of the Bill by deleting the proposed FIRST SCHEDULE and substituting with the following new SCHEDULE

FIRST SCHEDULE (s.47)

PART A – CLASSIFICATION OF NATIONAL TRUNK ROADS

All national roads shall be classified as follows –

<i>Functionality</i>	<i>Class</i>	<i>Description</i>
<i>Primary national Trunk Roads</i>	<i>As</i>	<i>Highways connecting cities or counties and designed to carry safely large volumes of motor vehicle traffic at high speed through the use of grade separation using interchanges, overpasses and underpasses and may be tolled</i>
	<i>A</i>	<i>Roads forming strategic routes and corridors, connecting international boundaries and international terminals such</i>

Functionality	Class	Description
		<i>as international ports, airports including international corridors recognised under the Trans Africa Highway and East African Road Networks</i>
	<i>B</i>	<i>Roads linking County headquarters to the cities or to Class A roads or inter-county</i>
<i>Secondary National Trunk roads (Special purpose Roads)</i>	<i>SP</i>	<i>Roads providing direct access to places of specific national social or economic importance such as economic zones</i>
<i>Secondary National Trunk roads (Security Roads)</i>	<i>SR</i>	<i>Intra-county roads strategic to national security in insecurity prone counties identified by the Ministry responsible for Internal security in consultation with the Cabinet Secretary responsible for Roads and the relevant county government</i>
<i>National Urban Roads</i>		
	<i>Au</i>	<i>Major Urban Arterials in cities providing through traffic and for relatively long-distance movements between a city or town and other counties with high levels of service that maximizes speed and mobility, consistent with safety and segregation of pedestrian and other non-motorised movements</i>

PART B – CLASSIFICATION OF COUNTY ROADS

All County Roads shall be classified as follows –

Functionality	Class	Description
<i>County Roads</i>	<i>Urban Bu</i>	<i>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</i>

Functionality	Class	Description
		<i>Business District of cities and major towns and principal urban bus routes.</i>
	<i>Cu</i>	<i>Major urban Collectors that provide the link between Arterials and Local 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.</i>
	<i>Du</i>	<i>Roads in 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</i>
	<i>Eu</i>	<i>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.</i>
County Roads	Rural E	<i>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.</i>
	C	<i>Roads linking major designated towns and forming a continuous network with Class A and Class B roads</i>
	D	<i>Roads forming routes of moderate length, linking wards and other minor towns to the Sub-county towns or higher network. These are inter-ward roads connecting several markets and/or sub-location centers with the main function of channeling local traffic from lower level roads to higher level roads and centers</i>

2.2.5 Clause 6

(a) Financial Allocation to Counties

41. The Bill proposes to amend **section 6(2)(d)** of the Kenya Roads Board Act, *Cap. 408A* by revising the apportionment of the Road Maintenance Levy Fund among beneficiary institutions as follows –

Table 1: Proposed Financial Allocation

Institution/Beneficiary	Current Allocation (%) (Act)	Proposed Allocation (%) (Bill)
KeRRA Constituency Roads (Class C)	22	25
KeRRA (Link Roads to constituency)	10	7
KeNHA (National Roads)	40	38
KURA (Urban Roads)	15	14
KWS (Roads in National Parks and Reserves)	1	1
Ministry of Roads (State Department responsible for Roads)	-	1.5
KRB (Board Recurrent Expenditure)	2	1.5
County Governments	-	5
KRB	10	7
Total Share	100	100

42. On consequential amendment to clause 6 of the Kenya Roads Board Act, *Cap. 408A*, the **Commission on Revenue Allocation (CRA)** proposed amendments to the allocation formula under section 6(2)(d) of the Kenya Roads Board Act to promote equity, transparency and prudent use of public resources in accordance with Article 201 of the Constitution. This was on the basis that the proposed allocations in the Bill was unclear and did not adequately reflect the constitutional assignment of road functions.

43. Further, the Commission proposed that the allocations under paragraphs (a) and (b), which are administered by the Kenya Rural Roads Authority (KeRRA), be restructured by retaining the **7%** allocation under KeRRA and transferring the **25%** allocation directly to County Governments. The Commission justified that County Governments are responsible for a significantly larger proportion of the road network, estimated at approximately 121,820 kilometres, compared to approximately 44,629 kilometres under the National Government, and therefore require a larger share of road maintenance resources. Moreover, reducing the allocation under paragraph (d) from the proposed **14% to 10%** and reallocating the difference to County Governments to align resources with road functions was also recommended
44. On the other hand, while observing that the proposed amendment creates duplication by introducing a new allocation for the Board's recurrent expenditure without deleting the existing provision, the Commission recommended deletion of the existing provision and its replacement with a single allocation of **1.5% for the Board's recurrent expenditure** to enhance clarity and accountability.
45. Therefore, the Commission suggested an increased allocation to County government from **5% to 34.5%**, noting that the Road Maintenance Levy Fund constitutes "other public funds" under Article 206 of the Constitution and is therefore distinct from the sharable revenue contemplated under Article 202 of the Constitution. Below is a summary of the proposed allocation framework by the CRA

Table 2: CRA Proposed Allocation

Current Allocation	%	Current Administrator	Proposed Administrator	Propose %
Constituency Roads (Class C)	25	KeRRA	County	25
Link Roads to constituency	7	KeRRA	County	7
National Roads	38	KeNHA	National	38
Urban Roads	14	KURA	National	10

Current Allocation	%	Current Administrator	Proposed Administrator	Propose %
Roads in National Parks and Reserves	1	KWS	Joint KWS 1% + Host Counties 1%	1
Board Recurrent Expenditure	2% with 0.5 earmarked for COG	KRB	KRB at 1.5% and 1.5% to COG	1.5
Total to Counties	5			34.5

The Committee accepted the proposal to amend the allocation formula and increasing allocation to County government

46. While submitting views of **Section 6 (2)** of the Kenya Roads Board Act, *Cap. 408A*, the **Council of Governors** proposed the restructuring of the Road Maintenance Levy Fund allocation framework to ensure that resources follow functions. The Council added that the allocations currently administered by KeRRA for former constituency roads and roads linking constituencies be transferred directly to County Governments, that urban road allocations be apportioned between national and county urban roads, and that counties receive a total allocation of **42%** of the Fund, as follows:

Table 3: COG Proposed Allocation

Current Allocation	%	Current Administrator	Proposed Administrator	Propose %
KeRRA Constituency Roads (Class C)	25	KeRRA	County	25
KeRRA (Link Roads to constituency)	7	KeRRA	County	7
KeNHA (National Roads)	38	KeNHA	National	38
KURA (Urban Roads)	14	KURA	National 10% and County 4%	4
KWS (Roads in National Parks and Reserves)	1	KWS	Joint KWS + Host Counties	1
Board Recurrent Expenditure	2% with 0.5 earmarked for COG	KRB	KRB and 0.5% to COG	2
Total to Counties	5			42

47. The **CoG** further proposed joint management of allocations for roads in national parks and reserves and enhanced county participation in the governance and oversight of road maintenance resources.

The Committee accepted the proposal by COG to increase county allocation from 5% to 42%

48. However, **the Ministry** was of a contrary opinion, proposing a revised allocation framework aimed at balancing the maintenance and development needs of the entire road network. They justified this view highlighting that the proposed allocations were informed by the need to preserve road assets, sustain road development and maintenance programmes, support both national and county road networks and safeguard public interest through adequate oversight and enforcement of standards.
49. The Ministry further stated that the allocation formula was based on objective criteria, including the length of the road network, road asset value, traffic volumes, road condition and the strategic importance of roads in promoting regional and national connectivity, equity and inclusiveness.
50. They added that although a significant proportion of roads previously managed by KeRRA and KURA had been transferred to County Governments following the implementation of devolution, the national road agencies continued to retain substantial road networks requiring maintenance funding. Consequently, the Ministry proposed that County Governments to receive **15%** of the Fund based on road length, traffic levels, road condition and the classification of county roads.
51. Further, the Ministry of Roads proposed a two-part allocation formula for RMLF: The Vertical and horizontal formula. The Vertical Formula allocates the RMLF between the National and the County Governments while the Horizontal formula facilitates the allocation of the RMLF at each level. This means that the National level allocation is done across the respective agencies whereas at the County level application of the horizontal formula will appropriate the County share to the 47 counties to determine the allocation of each of the counties. Below is a list of

criteria and weights used by the Ministry based on the vertical allocation formula between the National and county Government –

Table 4:Ministry of Roads Vertical Allocation Formula

Main Criterion	Weight (%)	Sub -weight
Length of Road	25	Paved 22%, Unpaved 3% (paved roads cost 7-10 x unpaved per km)
Traffic Volumes	45	Traffic intensity is the strongest predictor of pavement wear and driver of economic return on maintenance
Road Condition	5	Good 3%, Fair 1.5%, Poor 0.5%
Road Network type	25	S/A/B/C 23.5%. D-G 1.5%
Total	100	

52. Therefore, to obtain the vertical formula for allocation, the Q-Score Formula would be used as shown –

$$Q_a = 22. (L_{pa}/L_{pt}) + 3. (L_{upa}/L_{upt}) + 45. (T_{Aa}/T_{At}) + 3. (C_{ga}/C_{gt}) + 1.5. (C_{fa}/C_{ft}) + 0.5. (C_{pa} + C_{pt}) + 23.5. (S_{abc_a}/S_{abc_t}) + 1.5. (S_{defg_a}/S_{defg_t})$$

Where Q_a is the Q-Score for tier “a” (NTR or Counties); L = Length, C = Conditions, S = Subclass network type; subscripts: p = paved, up = unpaved, g = good, f = fair, p = poor; t = total; Co-efficient sum to 100. The annual allocation is $Ca = RMLF \times (Q_a/100)$.

53. The Ministry added that the allocation at the Horizontal level will be done based on the set parameters including road condition, traffic levels, length, road network type and other parameters. For the national share, the horizontal formula will be applied to distribute the national allocation among respective national road agencies while for county share, this will be applied to apportion the county allocation among the 47 county governments. The allocation criteria and weights are set out in the table below –

Table 5: Allocation Criteria and Weights

Main Criteria	Main Weight (%)	Sub-Criteria	Sub-Weight (%)
Length of road	30	Paved	24
		Unpaved	6
Traffic levels	10	Vehicle per km	10
Road Condition	15	Good	8
		Fair	5
		Poor	2
Road network	45	Class A	14
		Class B	13
		Class C	12

54. Therefore, the allocation to any given Agency, denoted C_a , is computed as the product of the Total Annual RMLF projection and the Agency's weighted Share is given as Q:

$$C_a = \text{RMLF} \times Q$$

where Q for the Agency is the Sum of its weighted share across the four main criteria, expressed as:

$$Q = [24\% \times (L_{pc}/L_{pt}) + 6\% \times (L_{upc}/L_{upt})] + [10\% \times (TA/Tt)] + \{8\% \times (C_g/C_{gt}) + 5\% \times (C_f/C_{ft}) + 2\% \times (C_p/C_{pt})\} + [14\% \times C_{IA}/C_{IAt1} + 13\% \times (C_{IB}/C_{IBt}) + 2\% \times (C_{IC}/C_{ICt}) + 6\% \times (C_{IDEFG}/C_{IDEFGt})]$$

55. The Variables of the formula are defined as –

Table 6: Variables of the formula

Variable	Description
C_a	RMLF allocation to a particular Agency
RMLF	Total Annual RMLF projection
Q	Summation of weighted main criteria for Agency
L_{pc} / L_{pt}	Length of paved road network in the Agency / total paved network in Kenya
L_{upc} / L_{upt}	Length of unpaved road network in the Agency / total unpaved network in Kenya

Variable	Description
TA / Tt	Traffic level per km in the Agency / cumulative traffic per km nationally
Cg, Cf, Cp	Percentage of Agency roads in good, fair and poor condition respectively
Cgt, Cft, Cpt	Cumulative national percentage of roads in good, fair and poor condition
CIA / CIAt	Length of Class A roads in the Agency / total Class A length in Kenya
CIB / CIBt	Length of Class B roads in the Agency / total Class B length in Kenya
CIC / CICt	Length of Class C roads in the Agency / total Class C length in Kenya
CIDEFG/ CIDEFGt	Length of Class D, E, F, G roads in the Agency / total length in Kenya

56. Therefore, the proposed allocation from the formula produces –

Table 7:Ministry of Roads Proposed Allocation

Tier	Q – Score	% of RMLF	At Sh. 70 Bn	Function
National Trunk Roads	84.98	84.98	59.59	Class S, A,B,C
County Roads	15.02	15.02	10.51	Class D,E, F, G
Total	100	100	70	

57. The Ministry proposed 15.02% as the county share based on the output of the formula.

The Committee rejected this proposal

Committee Resolution

The Committee proposed the transfer of the 25% allocation for Constituency Roads and the 7% allocation for Link Roads, both currently administered by the Kenya Rural Roads Authority (KeRRA), directly to County Governments. The Committee further proposed reducing the Urban Roads allocation from the proposed 14% to 10% and reallocating the 4% difference to County Governments in order to align resources with devolved road functions.

In addition, the Committee proposed allocating 4% for equity and road maintenance interventions, while retaining the proposed 1% allocation for roads serving national parks and reserves, 0.5% from the Kenya Roads Board (KRB) Board allocation, and

1.5% for county participation and oversight. Consequently, the Committee proposed an aggregate allocation of 49% of the Road Maintenance Levy Fund to County Governments.

Table 8: Breakdown of County and National Government Allocation with Committee Proposed Allocation

<i>Institution/Beneficiary</i>	<i>Current Act (%)</i>	<i>Amendment Bill (%)</i>	<i>CRA Proposal (%)</i>	<i>Ministry Proposal (%)</i>	<i>COG Proposal (%)</i>	<i>Committee Proposal (%)</i>
<i>KeRRA – Constituency Roads</i>	22	25	<i>Transferred to Counties (25)</i>	<i>Formula-based (26)</i>	<i>Transferred to Counties (25)</i>	<i>Transferred to Counties (25)</i>
<i>KeRRA – Link Roads</i>	10	7	7	<i>Formula-based</i>	<i>Transferred to Counties (7)</i>	<i>Transferred to Counties (7)</i>
<i>KeNHA – National Roads</i>	40	38	36	<i>Formula-based (36)</i>	38	38
<i>KURA – Urban Roads</i>	15	14	10	<i>Formula-based (11)</i>	<i>10 National / 4 County</i>	<i>10 County / 4 National</i>
<i>KWS – Roads in National Parks & Reserves</i>	1	1	<i>1 (+ host counties)</i>	<i>Formula-based (1)</i>	<i>1 (+ host counties)</i>	1
<i>Department responsible for Roads (Disaster and equalization)</i>	–	1.5	–	<i>Formula-based (8)</i>	–	<i>4 County / 4 National</i>
<i>Recurrent Expenditure-KRB and Counties</i>	2	1.5	1.5	<i>Formula-based (1.5)</i>	1.5	<i>3 County / 2 KRB</i>
<i>The functions under the Constitution e.g. Standards, classification</i>	-	-	-	-	-	2
<i>KRB – Board Allocation</i>	10	7	–	<i>Formula-based (1.5)</i>	0.5	-
<i>County Governments</i>	–	5	34.5	15	42	49
<i>Total</i>	100	100	100	100	100	100

(b) Roads in National Parks & Reserves

58. On the other hand, while making further recommendations on section 6(2)(d)(v) the CoG proposed the establishment of a joint allocation framework to be administered with by the Kenya Wildlife Service and the respective County Governments hosting national parks and reserves in accordance with Article 187

of the Constitution. The Council argued that County Governments, particularly those hosting major conservation areas such as Narok and Kajiado counties, play a significant role in the development, maintenance and management of access roads and supporting infrastructure serving national parks and reserves. Therefore, an exclusive allocation to KWS is inconsistent with Article 187 and the principle that resources should follow functions.

The Committee accepted this proposal as it is consistent with Article 187 of the Constitution, noting that County Governments hosting national parks and reserves play an important role in the development and maintenance of access roads and supporting infrastructure.

(c) Objects and Purpose of the Board

59. The CRA proposed a further amendment to section 7 of clause 6 suggesting that the Board may take other remedial, supplementary or alternative measures to ensure compliance with the conditions under the act or written law.

The Committee accepted the proposal, noting that it is a policy issue but may be open to abuse

Committee Resolution

The Committee resolved that clause 6 of the Bill be amended by deleting clause 6 and substituting therefore the following new clause –

6. Section 6 (2) of the Kenya Roads Board Act is amended by –
- (a) deleting paragraph (d) and substituting therefor the following new paragraph –
- (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) Thirty-eight percent of the allocated funds is allocated in respect of the national roads to be administered by the Kenya National Highways Authority;*

(ii) four percent of the allocated funds is allocated in respect of the urban roads to be administered by the Urban Roads Authority;

(iii) 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;

(iv) two percent of the allocated funds is allocated in respect of the recurrent expenditure of the Board under section 31(5); and

(v) six percent is allocated to the department responsible for matters relating to roads, two percent of which shall be utilized in respect of execution of the functions stipulated under paragraph 18 (b) and (c) of part 1 of the fourth Schedule to the Constitution and four percent shall be utilized to provide for equity in road maintenance, road related emergencies, primary oversight and administrative expenses.

(b) deleting paragraph (l) and substituting therefor the following new paragraph-

(1) The Highways 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; and

(ii) in the case of the Urban Roads Authority, five and a half percent.

2.2.6 New Clauses

(a) Section 7: Membership of Kenya Roads Board

60. To provide two PS positions with two (2) representatives of the Council of Governors nominated by the CoG to represent County Governments on the Board, the CoG proposed the insertion of a new clause to amend section 7. The justification for this was that the Act was enacted before the 2010 Constitution and does not reflect the devolved governance structure. Counties have direct constitutional responsibility over County Roads (Fourth Schedule). No formal

representation of County Governments in the Board. Current representation includes PS for local authorities and PS for regional cooperation.

This proposal was accepted by the Committee, considering that road function is a concurrent function

(b) Section 17A: Constituency Road Committee

61. Additionally, the CoG proposed the deletion of sections 17 and 17A relating to Constituency Roads Committees, arguing that the provisions create an unconstitutional and unlawful entity to maintain roads that fall under the jurisdiction of County Governments and undertake procurement functions contrary to the Public Procurement and Asset Disposal Act, 2015. The Council further submitted that the Constitution recognizes only two categories of roads, namely National Trunk Roads and County Roads, and therefore the continued recognition of constituency roads and Constituency Roads Committees has no constitutional basis and undermines the constitutional framework governing the management of roads.

The Committee accepted the proposal

(c) General alignment with Devolution

62. To clearly recognize and safeguard County Roads as a devolved function under the Fourth Schedule and avoid reclassification of County Roads as National Roads, the coG proposed an amendment of the Bill. This due to the fact the Bill only partially aligns with the Constitution and in some instances reclassifies County Roads as National Roads. This further undermines the spirit and letter of devolution as well as county autonomy as entrenched in Articles 6(2), 174, 175 and 187 of the Constitution. In addition, it fails to respect the distinct but interdependent relationship between the two levels of government.

The proposal was accepted by the Committee

2.2.7 General Comments

63. While noting the need to consolidate the numerous piecemeal legislations on the road sector, the **CRA** highlighted the following –
- (a) There is need to enact a comprehensive roads legislation within three years.
 - (b) Within the context of such legislation, roads should be classified into two categories, namely national roads and county roads, in line with the Fourth Schedule to the Constitution.
 - (c) Entities such as the Kenya Urban Roads Authority (KURA) and the Kenya Rural Roads Authority (KeRRA) should be phased out under the proposed legislative framework.
 - (d) The Road Maintenance Levy Fund proceeds are collected across the country and, therefore, the distribution of the proceeds should reflect that position in terms of equality.
 - (e) The progressive increase of the percentage of funds allocated to County Governments for roads on the basis that counties have a wider road coverage compared to the National Government, as illustrated in its submission.
64. The **Council of Governors** on their part made the following comments pertaining to the Bill, that –
- (a) The Roads Maintenance Levy Fund Act, Cap. 427, under the long title provides that the purpose of the Act is to provide for the **imposition of a road maintenance levy** on petroleum fuels and for the **establishment and administration** of a Road Maintenance Levy Fund.
65. **Section 7** of the Act requires that monies accruing to the Fund from the levy and transit tolls be paid into two special accounts established by the Kenya Roads Board: a **general account** and a **local authority account** (now to be read as the county government account). This structure demonstrates that it was the original intention of the Act to cater for the maintenance of roads at both levels of government, including what are now county roads. Therefore, any position to exclude counties from the RMLF cannot be justified, as it contradicts the very purpose for which the Fund exists.

- (b) When we delve deeper into the Act, under Section 7(3A), we note that the monies accruing to the Fund from the levy are required to be paid into these accounts in proportions that reflect objective estimates of annual road maintenance costs—proportions that, in the context of devolution, must now account for the fact that counties manage **76.15% of Kenya's 239,122 km** road network. This calls for a clear separation of funds for national and county roads, leaving no ambiguity in equitable allocation, as the spirit of the sharing is based on objective estimates of maintenance costs for unclassified roads reduced by local expenditures.
- (c) The journey to this Bill has involved sustained efforts to align the roads sector with our devolved system of government. The Kenya Roads Act (Cap 408) was enacted in 2007, before the 2010 Constitution, and established the current national road agencies — the Kenya National Highways Authority (KeNHA), the Kenya Urban Roads Authority (KURA) and the Kenya Rural Roads Authority (KeRRA).
- (d) Post-2010, the Constitution introduced two distinct but interdependent levels of government. When one examines the distribution of functions under Parts 1 and 2 of the Fourth Schedule, national trunk roads are assigned to the national government, while county roads are an exclusive responsibility of county governments. Worth noting however is the fact that in the strict interpretation of the Constitution, there are **County trunk roads** like the health sector where we have **National Referral Hospitals** and **County Referral Hospitals**.
- (e) In recent years, however, this constitutional clarity has been undermined. Through decisions of the National Assembly on **28th September 2023 and 13th August 2024**, counties were excluded from direct allocation of the Road Maintenance Levy Fund (RMLF) the dedicated levy paid by every motorist on every litre of fuel. In response, the Council of Governors, acting as the 5th Petitioner together with other concerned Kenyans, approached the High Court in Constitutional Petition E423 of 2024.
- (f) On 5 June 2025, Justice Lawrence Mugambi delivered a landmark judgment declaring the existing road classification under Section 47 and the exclusion of

counties from the RMLF under Section 6 of the Kenya Roads Board Act unconstitutional. The Court of Appeal subsequently granted a 12-month stay of those declarations (until July 2026) to avoid disruption, thereby giving Parliament the necessary window to legislate the required corrections. I believe this Bill is Parliament's direct response to that judicial directive.

- (g) There is an existing challenge of policy inconsistency. As far back as 2013, the Presidential Taskforce on Parastatal Reforms — the Hon. Mohamed Abdikadir Report — had already recommended the **dissolution of KeRRA and KURA** precisely because **rural and urban roads are devolved functions** under the Fourth Schedule. More recently, on **21 January 2025**, Cabinet approved reforms proposing the merger of these two agencies to eliminate duplication. The Council notes that it is important that Government policy remain consistent. We cannot, on the one hand, decide to dissolve or merge these agencies because they perform devolved functions, and on the other hand continue to channel billions of shillings to them to perform the very same functions at the expense of the County Governments. The restructuring of these agencies should be matched by legislation that properly assigns both the functions and the resources to the correct level of government.
- (h) The Senate, under Article 96 of the Constitution, has the special mandate to represent and protect the interests of county governments and therefore the Council respectfully urges the senate to consider the issues raised by the Council.

CHAPTER THREE: OBSERVATIONS AND RECOMMENDATIONS

3.0 COMMITTEE OBSERVATIONS

66. The Committee observes that -

- i. Pursuant to Fourth Schedule of the Constitution, responsibility for road management is delineated between the two levels of government, with National Trunk Roads assigned to the National Government and County Roads assigned to County Governments. However, the existing roads related statutory framework predates the Constitution, resulting in inconsistencies relating to road classification, institutional mandates, and the allocation of road maintenance funds between the two levels of government.
- ii. The Bill seeks to amend the Kenya Roads Act, *Cap 408* (the Act) to reclassify roads in Kenya and to provide for the responsibilities of County governments in regard to County roads. The Bill further amends the manner in which the Road Maintenance Levy is apportioned under the Kenya Roads Board Act, *Cap 408 A*. Therefore, by aligning road infrastructure governance with the provisions of Constitution on devolved governance, the Bill marks a significant reform structure in the road management.
- iii. The proposed amendments in the Bill, which introduce a new classification system that includes County roads and allocate 5% of the road levy to counties, mark a significant step toward strengthening devolution. Formally recognizing County roads ensures counties have direct financial support for road projects, potentially improving rural connectivity, boosting local economies, and enhancing service delivery. However, the allocation is disproportionately low given that the largest portion of road network lies within counties. In light of this, the Committee proposed further amendments to enhance the allocation to counties, ensuring resources are commensurate with their extensive road responsibilities.
- iv. The Bill introduces new definitions of “national trunk roads” and “county roads,” thereby creating two categories of public roads consistent with the Fourth Schedule to the Constitution. However, the Committee notes that

certain classes of roads proposed to be classified as national trunk roads perform functions that properly fall within the mandate of County Governments, creating a misalignment of responsibilities. To safeguard devolution and ensure clarity of mandate, the Committee proposed amendments to align the classification of roads with the responsibilities envisioned in the Fourth Schedule.

- v. The continued management of roads falling within the mandate of County Governments through agencies established under the National Government, including the Kenya Rural Roads Authority (KeRRA) and the Kenya Urban Roads Authority (KURA), is inconsistent with the constitutional distribution of functions and undermines the principles of devolution.
- vi. Sections 17 and 17A of the Kenya Roads Act relating to Constituency Roads Committees create an unconstitutional entity to maintain roads that fall under the jurisdiction of county. The Constitution recognizes only two categories of roads, namely National Trunk Roads and County Roads, and therefore the continued recognition of constituency roads and Constituency Roads Committees has no constitutional basis and undermines the constitutional framework governing the management of roads.
- vii. While the Road Maintenance Levy Fund is established under the Road Maintenance Levy Fund Act, the levy proceeds are currently transferred into another fund, namely the Roads Board Fund, before disbursement. This arrangement introduces an unnecessary layer in the management of road maintenance resources. The more effective framework would be to have the levy funds apportioned and shared directly under the Road Maintenance Levy Fund Act. Such an approach would streamline the flow of resources, strengthen accountability, and ensure that allocations are made transparently and efficiently in line with the Fund's original purpose.

3.1 COMMITTEE RECOMMENDATIONS

67. The Committee recommends that the House approves the Kenya Roads (Amendment) (No.3) Bill, 2025 (National Assembly Bills No. 34 of 2025), together with the proposed amendments attached as *Appendix 1* to this report.

APPENDICES

- Appendix 1:* Committee Stage Amendments on the Kenya Roads (Amendment) (No.3) Bill, 2025 (National Assembly Bills No.34 of 2025)
- Appendix 2:* Minutes of the Committee sittings
- Appendix 3:* Copy the Kenya Roads (Amendment) (No.3) Bill, 2025 (National Assembly Bills No.34 of 2025)
- Appendix 4:* Advertisement published in the *Daily Nation* and *Star* newspapers of 27th November, 2025
- Appendix 5:* Matrix of the submissions received by the Committee on each Clause of the Bill and on general matters relating to the Bill
- Appendix 6:* Copies of stakeholder submissions on the Bill

Appendix 1

**Committee Stage Amendments on the Kenya Roads (Amendment) (No.3) Bill, 2025
(National Assembly Bills No.34 of 2025)**

10th June, 2026

The Clerk of the Senate,
Parliament Buildings,
NAIROBI.

**RE: COMMITTEE STAGE AMENDMENTS TO THE KENYA ROADS
(AMENDMENT) (NO. 3) BILL, 2025, (NATIONAL ASSEMBLY BILLS NO. 34 OF
2025).**

NOTICE is given that Sen. Eddy Gicheru Oketch, Chairperson, Standing Committee on Roads, Transportation and Housing intends to move the following amendments to the Kenya Roads (Amendment)(No.3) Bill, (National Assembly Bills No. 34 of 2025) at the Committee Stage—

CLAUSE 2

THAT Bill be amended by deleting clause 2 and substituting therefor the following new Clause –

2. Section 2 of the principal Act be amended by—

(a) Deleting the definition of the words—

(i) “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;

(ii) “Rural roads”; and

(iii) “Rural Roads Authority”.

(b) Deleting the words “Rural Roads Authority” appearing immediately after the words “Highways Authority” in the definition of the word “Authority”;

(c) inserting the following new definitions immediately after the definition of the word “Cabinet Secretary” -

“Council of County Governors” mean the Council of County
Governors established under the Intergovernmental Relations
Act;

Cap 265F

“county roads” means county roads as classified under Part B of the First Schedule.

CLAUSE 3

THAT clause 3 of the Bill be amended in the proposed section 47 —

- a) by deleting subsection (3) and substituting therefor the following new subsection—

(3) The Cabinet Secretary shall, in classifying public roads,—

(a) consult the Council of County Governors; and

(b) ensure that the classification accurately reflects the function served by the public road.

- b) by deleting subsection (4) and substituting therefor the following new subsection—

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

CLAUSE 5

THAT clause 5 of the Bill be amended by deleting the proposed FIRST SCHEDULE and substituting therefor the following new SCHEDULE —

FIRST SCHEDULE (s. 47)

PART A-CLASSIFICATION OF NATIONAL TRUNK ROADS

All national trunk roads shall be classified as follows—

Functionality	Class	Description
Primary National Trunk Roads	As	Highways connecting cities or counties and designed to carry safely large volumes of motor vehicle traffic at high speed through the use of grade separation using interchanges, overpasses and underpasses and may be tolled.
	A	Roads forming strategic routes and corridors, connecting international boundaries and international terminals such as international ports, airports including international

		corridors recognised under the Trans-Africa Highway and East African Road Networks.
	B	Roads linking County headquarters to the cities or to Class A roads or inter-county.
Secondary National Trunk Roads (Special Purpose Roads)	SP	Roads providing direct access to places of specific national social or economic importance such as economic zones.

Secondary National Trunk Roads (Security Roads)	SR	Intra-county roads strategic to national security and insecurity prone Counties as identified by the Ministry responsible for Internal Security in consultation with the Cabinet Secretary responsible for Roads and the relevant county government.
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National Urban Roads

Au	Major urban arterials in cities and towns providing through traffic and for relatively long-distance movements between a city or a town and other counties with high levels of service that maximizes speed and mobility, consistent with safety, and segregation of pedestrian and other non-motorised movements.
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PART B- CLASSIFICATION OF COUNTY ROADS

All County Roads shall be classified as follows—

Functionality	Class	Description
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County Urban Roads

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 road 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 class Du roads, distributing traffic to residential and other defined zones, typically taking the

- Du** form of radial roads between arterials or spine roads serving the main residential areas or other defined zones. Roads in shopping and business streets in the urban central business district or suburbs of cities and municipalities, other than designated minor arterials and catering to a high level of pedestrian access to commercial properties fronting directly on the street.
- Eu** 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.

County Rural Roads

- C** Roads linking major designated towns and forming a contiguous network with A and B roads
- D** Roads forming routes of moderate length, linking wards and other towns to the Sub-county towns or higher network. These are inter-ward roads connecting several markets or sub-location centers with the main function of channeling local traffic from lower level roads to higher level roads and centers.
- E** Residual category of roads providing last access to villages, markets and homes.

CLAUSE 6

The Bill be amended by deleting clause 6 and substituting therefor the following new clause—

6. Section 6(2) of the Kenya Roads Board Act is amended by –

(a) deleting paragraph (d) and substituting therefor the following new paragraph—

(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) thirty eight percent of the allocated funds is allocated in respect of the national roads to be administered by the Kenya National Highways Authority;
- (ii) four percent of the allocated funds is allocated in respect of the urban roads to be administered by the Urban Roads Authority;
- (iii) 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;
- (iv) two percent of the allocated funds is allocated in respect of the recurrent expenditure of the Board under section 31(5); and
- (v) six percent is allocated to the department responsible for matters relating to roads, two percent of which shall be utilized in respect of execution of the functions stipulated under paragraph 18(b) and (c) of Part 1 of the Fourth Schedule to the Constitution, and four percent shall be utilized to provide for equity in road maintenance, road related emergencies, primary oversight and administrative expenses.

(b) deleting paragraph (l) and substituting therefor the following new paragraph—

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

NEW CLAUSES

THAT the Bill be amended by inserting the following new clause immediately after clause 1-

NEW CLAUSE 1A

Amendment of
Long Title to Cap
408

1A. The long title to the Kenya Roads Act hereinafter referred to as the “principal Act” is amended by deleting the words “the Kenya Rural Roads Authority” appearing immediately after the words “Roads Authority and”.

THAT the Bill be amended by inserting the following new clauses immediately after clause 2-

CLAUSE 2A

Amendment of
section 6 of Cap
408

2A. The principal Act is amended by deleting section 6.

CLAUSE 2B

Amendment of
section 7 of Cap
408

2B. The principal Act is amended by deleting section 7.

CLAUSE 2C

Amendment of
section 8 of Cap
408

2C. The principal Act is amended by deleting section 8.

CLAUSE 2D

Amendment of
section 10 of Cap
408

2D. Section 10 of the principal Act is amended by deleting subsection (1) and substituting therefor the following new subsection—

(1) The Urban Roads Authority shall be responsible for the management, development, rehabilitation and maintenance of urban roads in cities and municipalities in Kenya specified under the First Schedule.

CLAUSE 2E

Amendment of
section 31 of Cap
408

2E. Section 31 of the principal Act is amended by deleting paragraph (c).

THAT the Bill be amended by inserting the following new clauses immediately after clause 5-

CLAUSE 5A

Amendment of
Second Schedule
to Cap 408

5A. The Second Schedule to the principal Act is amended by deleting Part B.

CLAUSE 5B

Amendment of
Second Schedule
to Cap 408

5B. The principal Act is amended by deleting Section 71.

Deletion of
Fourth Schedule
in Cap 408

5C. The Principal Act is amended by deleting the Fourth Schedule.

Amendment of
section 7 of Cap
408

5D. Section 2 of the Kenya Roads Board Act is amended by—

(a) deleting the definition of the word “Rural Roads Authority” appearing immediately after the definition of the word “road network”;

(b) inserting the following definition immediately after the definition of the word “Cabinet Secretary”—

“Council of County Governors” means the Council of County Governors established under the Intergovernmental Relations Act.

THAT the Bill be amended by inserting the following new clauses immediately after clause 6-

CLAUSE 7

Amendment of
section 7 of Cap
408

7. Section 7 of the Kenya Roads Board Act is amended in subsection (1) by –

(a) deleting paragraph (e) and substituting therefor the following new paragraph —

(e) two members representing county governments appointed by the Council of County Governors;

(b) deleting paragraph (f).

CLAUSE 8

Amendment of
section 17 of Cap
408

8. The Roads Board Act is amended by deleting section 17 and substituting therefor the following new section —

Responsibilities
of county
governments.

17. (1) A county government shall—

- (a) be responsible for 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 allocated under the Roads Maintenance Fund Act;
- (c) comply with the standards for the maintenance, rehabilitation and a development of roads as may be set out by the cabinet secretary; and
- (d) at least three months before the commencement of a financial year, submit to the Board an annual road programme approved by the respective county executive committee.

(2) The Board shall prescribe the form and content of an annual road programme under (1)(d).

CLAUSE 9

Deletion of
section 17A of
Cap 408

9. The Kenya Roads Board Act is amended by deleting section 17A.

CLAUSE 10

Amendment to
section 31 of Cap
408

10. Section 31 of the Kenya Roads Board Act is amended —

- (a) in subsection (2) by deleting paragraph (a) and substituting therefor the following new paragraph—
 - (a) fifty one percent of the monies accruing to the Roads Maintenance Levy Fund in each financial year;
- (b) in subsection (2A) by deleting paragraph (a).

CLAUSE 11

Amendment to
the Third
Schedule of Cap
408

11. The Third Schedule to the Kenya Roads Board Act be amended by deleting item 2.

CLAUSE 12

Amendment to
section 2 of Cap
427

12. Section 2 of the Road Maintenance Levy Fund Act is amended by—

(a) deleting the definition of the word —

(i) “Advisory Committee”; and

(ii) “unclassified road”;

(b) inserting the following definition immediately after the definition of the word “collector”—

“Council of County Governors” means the Council of County Governors established under the Intergovernmental Relations Act.

CLAUSE 13

Amendment to
section 7 of Cap
427

13. Section 7 of the Road Maintenance Levy Fund Act is amended—

(a) in subsection (3) by deleting the words “a general account and a local authority account” appearing immediately after the words “Roads Board namely” and substituting therefor the words “a National Government account and a county governments account”.

(b) by deleting subsection (3A) and substituting therefor the following new subsection—

(3A) The monies accruing to the Fund from the Levy shall in each financial year be paid into the accounts established under subsection (3) as follows—

(a) fifty one percent to the National Government account; and

(b) forty nine percent to the county governments account.

(c) in subsection (4) –

(i) by deleting the word “general” appearing immediately after the words “out of the” in paragraph (a) and substituting therefor the words “National government”;

(ii) by deleting paragraph (b) and substituting therefor the following new paragraph—

(b) There shall be paid out of the county governments account of the Fund, such monies as approved for repair and maintenance of county roads.

CLAUSE 14

Insertion of new
section 7A in
Cap 427

14. The Road Maintenance Levy Fund Act is amended by inserting the following new sections immediately after section 7—

Basis for
allocation to
counties

7A.(1) Once every five years, the Senate shall, by resolution, determine the basis for sharing among the counties, the monies allocated under section 7(3A)(b).

(2) In determining the basis for sharing the monies allocated under section 7(3A)(b), the Senate shall-

- (i) consult the Council of county governors;
- (ii) consult the Cabinet Secretary;
- (iii) request and consider recommendations from the Commission on Revenue Allocation; and
- (iv) invite the public and relevant stakeholders to make submissions to it on the matter.

(3) Within ten days after the Senate adopts a resolution under subsection (1), the

Speaker of the Senate shall refer the resolution to the Speaker of the National Assembly.

(4) Within sixty days after the Senate's resolution is referred under subsection (3), the National Assembly may consider the resolution and vote to approve it, with or without amendments, or to reject it.

(5) If the National Assembly-

(a) does not vote on the resolution within sixty days, the resolution shall be regarded as having been approved by the National Assembly without amendment; or

(b) votes on the resolution, the resolution shall have been-

(i) amended only if at least two-thirds of the members of the Assembly vote in support of an amendment;

(ii) rejected only if at least two-thirds of the members of the Assembly vote against it, irrespective whether it has first been amended by the Assembly; or

(iii) approved, in any other case.

(6) If the National Assembly approves an amended version of the resolution, or rejects the resolution, the Senate may-

(a) adopt a new resolution under subsection (1), in which case the provisions of this subsection, subsection (4) and subsection (5) apply afresh; or

(b) request that the matter be referred to a joint committee of the two Houses of

Parliament for mediation under Article 113, applied with the necessary modifications.

(7) A resolution that is approved under subsection (5) shall be binding until a subsequent resolution has been approved.

(8) Despite subsection (1), the Senate may, by resolution supported by at least two-thirds of its members, amend a resolution at any time after it has been approved.

(9) Subsections (2) to (7), with the necessary modifications apply to a resolution under subsection (8).

7B. The monies allocated under section 7 (3A)(b) shall be shared among county governments as per the formula adopted for by Parliament for the relevant year and shall be applied as follows—

Allocations
to county
governments.

- (a) forty two percent of the allocated funds to be allocated in respect of maintenance of county roads;
- (b) three percent of the allocated funds to be allocated to the departments responsible for matters relating to roads in respect of recurrent expenditure; and
- (c) Four percent of the allocated funds to be allocated to the departments responsible for matters relating to roads to provide for equity in roads maintenance, road related emergencies, primary oversight.

7C. (1) Notwithstanding the provisions of this Act, the allocations made to county governments for maintenance of roads shall

Transition on
allocation of
Road
Maintenance
Levy Fund.

continue to apply for a period of twelve-months from the commencement of this Act.

(2) The provisions of sections 7A and 7B shall not take effect until the expiry of the twelve-month period specified under (1).

CLAUSE 15

Deletion of
section 8A in
Cap 427.

15. The Road Maintenance Levy Fund Act is amended by deleting section 8A.

CLAUSE 16

Transition
of Kenya
Rural
Roads
Authority.

16. Upon commencement of this Act –

- (a) rights, obligations and contracts which, immediately before the coming into operation of this Act, were vested in or imposed on the Kenya Rural Roads Authority shall be deemed to be the rights, obligations and contracts of the Ministry responsible for roads;
- (b) funds, assets, and other property, moveable and immovable which, immediately before such day were vested in the Rural Roads Authority, shall vest in the Ministry responsible for roads or as the Cabinet Secretary may, by order, determine;
- (c) every public officer having the power or duty to effect or amend any entry in a register relating to property, or to issue or amend any certificate or other document effecting or evidencing title to property, shall, without payment of a fee or other charge and upon request made by or on behalf of the ministry responsible for roads do all such things as are by law necessary to give final effect to the transfer of property referred to under paragraph (b);
- (d) powers, liabilities and duties whether arising under any written law or otherwise, which immediately before the commencement of this Act were vested in, imposed on or enforceable by or against the Rural Roads Authority shall be transferred to, vested in, imposed on or enforceable by or against the ministry responsible for roads as the case may be;

- (e) actions, suits or legal proceedings pending by or against the Rural Roads Authority shall be carried on or prosecuted by or against the Ministry responsible for roads as the case may be, and no such action, suit or legal proceedings shall in any manner abate or be prejudicially affected by the enactment of this Act;
- (f) directions, orders and authorizations given, or licenses or permits issued, or registrations made by the Rural Roads Authority and subsisting or valid immediately before the commencement of this Act, shall be deemed to have been given, issued or made by the Ministry responsible for roads as the case may be;
- (g) any reference to the Rural Roads Authority in any written law or in any contract, document or instrument of whatever nature shall be read and construed as a reference to the Ministry responsible for Roads;
- (h) a person who immediately before the commencement of this Act was an officer or member of staff of the Rural Roads Authority, not being then under notice of dismissal or resignation shall become an officer or member of staff of the ministry responsible for roads as the Cabinet Secretary may, by order, determine on the same or improved terms and conditions of service;
- (i) a person who does not intend to become an officer or member of staff of the ministry responsible for roads shall, within a period of thirty days from commencement of the Act, give notice in writing to the ministry responsible for roads, and such person shall be deemed not to have become such officer or member of staff but to have retired from the service of the Rural Roads Authority on the day preceding the commencement of this Act; and
- (j) the Cabinet Secretary may, by order, make provisions with respect to pension or provident fund benefits of the former members of staff of the Rural Roads Authority and with respect to the pension scheme and provident fund of the Rural Roads Authority.

CLAUSE 17

Transition
of
contracts
made by
the roads
tender
committee

17. All contracts which, immediately before the coming into operation of this Act, were vested in or imposed on a constituency by the Constituency Roads Tender Committee shall be deemed to be contracts of the county government responsible for roads within that constituency.

LONG TITLE

THAT the long title of the Bill be amended by deleting the words “the Kenya Roads Act” and substituting therefor the words “various laws relating to roads”

CLAUSE 1

THAT clause 1 of the Bill be amended by deleting the words “Kenya Roads (Amendment)(No.3)” and substituting therefor the words “Roads Laws (Amendment)”.

Dated: Thursday, 11th June, 2026.



Sen. Eddy Gicheru Oketch,
Chairperson,
Committee on Roads, Transportation and Housing.

Appendix 2

Minutes of the Committee sittings



**MINUTES OF THE 175TH SITTING OF THE STANDING COMMITTEE ON
ROADS, TRANSPORTATION AND HOUSING HELD ON TUESDAY, 16TH
JUNE 2026 AT COMMITTEE ROOM 5, FIRST FLOOR, BUNGE TOWER AT
11.00 A.M.**

PRESENT

- | | |
|---------------------------------|------------------------------------|
| 1. Sen. Peris Tobiko, CBS, MP | - Member (Ag. Chair) |
| 2. Sen. Eddy Oketch, MP | - Chairperson (Virtual Attendance) |
| 3. Sen. John Kinyua Nderitu, MP | - Member (Virtual Attendance) |
| 4. Sen. Miraj Abdillahi, MP | - Member (Virtual Attendance) |

ABSENT WITH APOLOGIES

- | | |
|---|--------------------|
| 1. Sen. (Dr.) Lelegwe Ltumbesi, CBS, MP | - Vice Chairperson |
| 2. Sen. Moses Otieno Kajwang', CBS, MP | - Member |
| 3. Sen. Enoch Wambua CBS, MP | - Member |
| 4. Sen. Mohamed Said Chute, CBS, MP | - Member |
| 5. Sen. Crystal Asige, MP | - Member |

COMMITTEE SECRETARIAT

- | | |
|--------------------------|--------------------------------|
| 1. Ms. Mwanate Shaban | - Principal Clerk Assistant II |
| 2. Ms. Regina Munyao | - Legal Counsel I |
| 3. Mr. Washington Otiato | - Media Relations I |
| 4. Ms. Christine Isamek | - Research Officer III |
| 5. Mr. Elijah Ichwara | - Audio Officer |
| 6. Ms. Bernadette Nabayi | - Audio Officer Intern |

MIN/SEN/RTH/969/2026

PRELIMINARIES

The meeting was called to order at 11.29 a.m. with a prayer. This was followed by introductions from all present.

MIN/SEN/RTH/970/2026

ADOPTION OF THE AGENDA

The Agenda of the meeting was adopted after being proposed by Sen. Miraj Abdillahi,

MP, and seconded by Sen. John Kinyua Nderitu, MP as –

1. Prayer;
2. Adoption of the Agenda;
3. **Confirmation of the Minutes of the 171st, 172nd, 173rd and 174th sittings of the Committee;**
4. **Consideration of Matters Arising;**
5. **Consideration of the Petition concerning compensation of affected residents between Kamwosor and Nyaru following construction of road (Committee Paper 122);**
6. Any Other Business; and
7. Adjournment & Date of the Next Meeting.

MIN/SEN/RTH/971/2026

**CONFIRMATION OF THE MINUTES OF THE
171ST, 172ND, 173RD AND 174TH SITTINGS OF THE
COMMITTEE;**

1. Minutes of the 174th Sitting held on Thursday, 11th June, 2026 were confirmed as a true record of the deliberations having been proposed by Sen. John Kinyua Nderitu, MP and seconded Sen. Miraj Abdillahi, MP;
2. Minutes of the 173rd Sitting held on Tuesday, 9th June, 2026 were confirmed as a true record of the deliberations having been proposed by Sen. Miraj Abdillahi, MP and seconded by Sen. John Kinyua Nderitu, MP;
3. Minutes of the 172nd Sitting held on Thursday 4th June, 2026 were confirmed as a true record of the deliberations having been proposed by Sen. John Nderitu Kinyua, MP and seconded by Sen. Miraj Abdillahi, MP;
4. Minutes of the 171st Sitting held on Tuesday, 2nd June, 2026 were confirmed as a true record of the deliberations having been proposed by Sen. Peris Tobiko, CBS, MP and seconded by Sen. Miraj Abdillahi, MP;

MIN/SEN/RTH/972/2026

CONSIDERATION OF MATTERS ARISING

MIN/SEN/RTH/964/2026 – Meeting with Governor, Marsabit County on a Statement by Sen. Chute, CBS, Mp regarding the management and disbursement of retention funds arising from construction of contracts by the County Government of Marsabit

The Committee resolved to re-invite the Governor after the June recess.

MIN/SEN/RTH/957/2026 – Meeting with CS Defence and CS Youth Affairs, Creative Economy and Sports on the status of Talanta Stadium

The Committee resolved to defer the deliberations on the matter to the next Sitting.

MIN/SEN/RTH/973/2026

**CONSIDERATION OF THE PETITION
CONCERNING COMPENSATION OF
AFFECTED RESIDENTS BETWEEN
KAMWOSOR AND NYARU FOLLOWING
CONSTRUCTION OF ROAD (COMMITTEE
PAPER 122);**

The Committee considered the letter from the Cabinet Secretary Roads and Transport on the above and noted that it was similar to the submission he had made during a meeting on the same on 8th May, 2026.

The Committee resolved to write to the CS seeking clarifications on his response and giving a proper status of the matter.

MIN/SEN/RTH/974/2026

ANY OTHER BUSINESS

There was no other business.

MIN/SEN/RTH/975/2026
AND

DATE OF THE NEXT MEETING

ADJOURNMENT

The meeting adjourned at 12.34 pm, with the next meeting being on notice.

SIGNED..... DATE.....

CHAIRPERSON: SEN. EDDY GICHERU OKETCH, MP

STANDING COMMITTEE ON ROADS, TRANSPORTATION & HOUSING



**MINUTES OF THE 174TH SITTING OF THE STANDING COMMITTEE ON
ROADS, TRANSPORTATION AND HOUSING HELD ON THURSDAY, 11TH
JUNE 2026 AT COMMITTEE ROOM 5, FIRST FLOOR, BUNGE TOWER
AT 11.00 A.M.**

PRESENT

- | | |
|---|-------------------------------|
| 1. Sen. Eddy Oketch, MP | - Chairperson |
| 2. Sen. (Dr.) Lelegwe Ltumbesi, CBS, MP | - Vice Chairperson (Virtual) |
| 3. Sen. Enoch Wambua CBS, MP | - Member |
| 4. Sen. John Kinyua Nderitu, MP | - Member |
| 5. Sen. Mohamed Said Chute, CBS, MP | - Member |
| 6. Sen. Peris Tobiko, CBS, MP | - Member |
| 7. Sen. Miraj Abdillahi, MP | - Member (Virtual Attendance) |

ABSENT WITH APOLOGIES

- | | |
|--|----------|
| 1. Sen. Moses Otieno Kajwang', CBS, MP | - Member |
| 2. Sen. Crystal Asige, MP | - Member |

COMMITTEE SECRETARIAT

- | | |
|--------------------------|------------------------|
| 1. Ms. Peris Mukuria | - Clerk Assistant III |
| 2. Mr. Abdirahman Gorod | - Fiscal Analyst I |
| 3. Ms. Regina Munyao | - Legal Counsel I |
| 4. Ms. Christine Isamek | - Research Officer III |
| 5. Mr. Elijah Ichwara | - Audio Officer |
| 6. Ms. Bernadette Nabayi | - Audio Officer Intern |
| 7. Mr. David Kioko | - PBO Intern |
| 8. Mr. Jeff Mburu | - PBO Intern |

MIN/SEN/RTH/961/2026

PRELIMINARIES

The meeting was called to order at 11.23 a.m. with a prayer. This was followed by introductions from all present.

MIN/SEN/RTH/962/2026

ADOPTION OF THE AGENDA

The Agenda of the meeting was adopted after being proposed by Sen. Peris Tobiko, CBS, MP, and seconded by Sen. Miraj Abdillahi, MP –

1. Prayer;
2. Adoption of the Agenda;
3. Meeting with the Governor for Turkana County to deliberate on the Status of Turkana County);
4. Meeting with the Governor for Marsabit County to deliberate on a Statement by Sen. Chute, CBS, MP regarding the management and disbursement of retention funds arising from construction of contracts by the County Government of Marsabit;
5. Consideration of the Committee Amendments to the Kenya Roads (Amendment) (No. 3) Bill (National Assembly Bills No. 35 of 2025) (*Committee Paper 120*);
6. Consideration and adoption of the Report on the Kenya Roads (Amendment) (No. 3) Bill (National Assembly Bills No. 35 of 2025);
7. Any Other Business; and
8. Adjournment & Date of the Next Meeting.

MIN/SEN/RTH/963/2026

**MEETING WITH THE GOVERNOR FOR
TURKANA COUNTY TO DELIBERATE ON THE
STATUS OF TURKANA COUNTY**

The Committee considered the letter from the Governor for Turkana County requesting to reschedule the meeting due to a prior peace meeting in Nadapal with the Sweden Ambassador to Kenya; and acceded to the request.

MIN/SEN/RTH/964/2026

**MEETING WITH THE GOVERNOR FOR
MARSABIT COUNTY TO DELIBERATE ON A
STATEMENT BY SEN. CHUTE, CBS, MP
REGARDING THE MANAGEMENT AND
DISBURSEMENT OF RETENTION FUNDS
ARISING FROM CONSTRUCTION OF
CONTRACTS BY THE COUNTY
GOVERNMENT OF MARSABIT**

1. Members considered the letter from the Governor of Marsabit County requesting to reschedule the meeting due to an engagement with the Senate Committee on Finance and Budget at the same time;
2. The Committee was also informed that the Governor had also failed to attend the said meeting of the Committee on Finance and Budget, thereby raising concerns that the explanation provided to justify his absence was misleading;

3. Members further noted that the Governor had not submitted the response to the Statement that had been requested by the Committee in November 2025; and
4. Consequently, following deliberations, Members expressed concern over the Governor's continued failure to cooperate with the Committee's oversight processes and resolved to issue summons requiring the Governor of Marsabit County to appear before the Committee during the first week following the parliamentary recess.

MIN/SEN/RTH/965/2026

**CONSIDERATION OF THE COMMITTEE
AMENDMENTS TO THE KENYA ROADS
(AMENDMENT) (NO. 3) BILL (NATIONAL
ASSEMBLY BILLS NO. 35 OF 2025)**

The Committee considered the Committee Amendments to the Kenya Roads (Amendment) (No. 3) Bill (National Assembly Bills No. 35 of 2025) and unanimously adopted them.

MIN/SEN/RTH/966/2026

**CONSIDERATION AND ADOPTION OF THE
REPORT ON THE KENYA ROADS
(AMENDMENT) (NO. 3) BILL (NATIONAL
ASSEMBLY BILLS NO. 35 OF 2025)**

1. The Committee considered the Kenya Roads (Amendment) Bill, 2025 (National Assembly Bill No. 35 of 2025), with particular focus on the proposed framework for determining the horizontal sharing formula under Article 217 of the Constitution;
2. Members noted that Article 217 of the Constitution establishes the procedure for consultation, consideration, and approval of the revenue-sharing formula among county governments;
3. The Committee observed that the Commission on Revenue Allocation (CRA) is constitutionally mandated to provide technical advice and recommendations on matters relating to revenue sharing and financial legislation;
4. Members reviewed the historical evolution of allocations from the Road Maintenance Levy Fund (RMLF) to county governments, including the transition from direct allocations to conditional grants and, subsequently, the County Government Additional Allocation Programme (CGAAP);
5. The Committee emphasized the importance of maintaining continuity and consistency with existing allocation practices while ensuring that any proposed sharing formula is constitutionally compliant, transparent, equitable, and capable of withstanding public and legal scrutiny; and

6. Members further deliberated on key allocation parameters, including road network length, rural accessibility indices, climate-related factors, and road maintenance requirements, and underscored the need for the utilization of credible, accurate, and verifiable data in determining the final allocation formula.

Following deliberations, the Committee made the following resolutions -

1. The Committee resolved to engage the Commission on Revenue Allocation (CRA), relevant road sector agencies, the National Roads Fund, public procurement stakeholders, finance and budget experts, and other relevant institutions to submit proposals and technical memoranda on the sharing formula for the Road Maintenance Levy Fund upon enactment of the Bill;
2. The Committee further resolved to undertake comprehensive stakeholder consultations and consider expert recommendations in the development of the framework for the horizontal sharing formula; and
3. Consequently, the Committee considered and adopted the Report on the Kenya Roads (Amendment) Bill, 2025 (National Assembly Bill No. 35 of 2025), as proposed by Sen. John Kinyua Nderitu, MP, and seconded by Sen. Enoch Wambua, CBS, MP.

MIN/SEN/RTH/967/2026

ANY OTHER BUSINESS

There was no other business.

MIN/SEN/RTH/968/2026
AND

DATE OF THE NEXT MEETING

ADJOURNMENT

The meeting adjourned at 12.23 pm, with the next meeting being on notice.

SIGNED:



DATE: Tuesday, 16th June, 2026

CHAIRPERSON: SEN. EDDY GICHERU OKETCH, MP

STANDING COMMITTEE ON ROADS, TRANSPORTATION & HOUSING



**MINUTES OF THE 173RD SITTING OF THE STANDING COMMITTEE ON
ROADS, TRANSPORTATION AND HOUSING HELD ON TUESDAY, 9TH
JUNE 2026 AT COMMITTEE ROOM 5, FIRST FLOOR, BUNGE TOWER AT
11.00 A.M.**

PRESENT

- | | |
|---------------------------------|-------------------------------|
| 1. Sen. Eddy Oketch, MP | - Chairperson |
| 2. Sen. Peris Tobiko, CBS, MP | - Member |
| 3. Sen. John Kinyua Nderitu, MP | - Member (Virtual Attendance) |
| 4. Sen. Miraj Abdillahi, MP | - Member (Virtual Attendance) |
| 5. Sen. Crystal Asige, MP | - Member (Virtual Attendance) |

ABSENT WITH APOLOGIES

- | | |
|---|------------------------------|
| 1. Sen. (Dr.) Lelegwe Ltumbesi, CBS, MP | - Vice-Chairperson(Virtual) |
| 2. Sen. Moses Otieno Kajwang', CBS, MP | - Member |
| 3. Sen. Enoch Wambua CBS, MP | - Member |
| 4. Sen. Mohamed Said Chute, CBS, MP | - Member |

COMMITTEE SECRETARIAT

- | | |
|--------------------------|------------------------|
| 1. Ms. Getrude Nthirii | - Clerk Assistant I |
| 2. Ms. Peris Mukuria | - Clerk Assistant III |
| 3. Ms. Regina Munyao | - Legal Counsel I |
| 4. Ms. Christine Isamek | - Research Officer III |
| 5. Mr. Elijah Ichwara | - Audio Officer |
| 6. Mr. John Lekampule | - Sergeant At Arms |
| 7. Ms. Bernadette Nabayi | - Audio Officer Intern |
| 8. Mr. David Kioko | - PBO Intern |

MIN/SEN/RTH/955/2026

PRELIMINARIES

The meeting was called to order at 11.23 a.m. with a prayer. This was followed by introductions from all present.

MIN/SEN/RTH/956/2026

ADOPTION OF THE AGENDA

The Agenda of the meeting was adopted after being proposed by Sen. Crystal Asige, MP, and seconded by Sen. Peris Tobiko, CBS, MP -

1. Prayer;
2. Adoption of the Agenda;
3. Meeting with CS Defence and CS Youth Affairs, Creative Economy and Sports on the status of Talanta Stadium (*Committee Paper No.121*);
4. Consideration of the Committee Amendments and the Report on the Kenya Roads (Amendment) (No. 3) Bill (National Assembly Bills No. 35 of 2025) (*Committee Paper 120*); and
5. Any Other Business; and
6. Adjournment & Date of the Next Meeting

MIN/SEN/RTH/957/2026

MEETING WITH CS DEFENCE AND CS YOUTH AFFAIRS, CREATIVE ECONOMY AND SPORTS ON THE STATUS OF TALANTA STADIUM

1. The Committee considered the letter from the Cabinet Secretary, Ministry of Youth Affairs, Creative Economy and Sports, requesting the rescheduling of the meeting, and noted that the Cabinet Secretary had previously honoured the Committee's invitation and had provided reasonable grounds for seeking the postponement.;
2. Members were informed that the Cabinet Secretary for Defence had failed to honour the Committee's summons to appear before it and had only communicated informally that she would be unable to attend due to Cabinet engagements, with a formal communication expected to follow;
3. Members expressed concern that, despite attending the Cabinet meeting, the Cabinet Secretary had not prioritized compliance with a summons issued by the Committee. The Committee emphasized the importance of accountability to Parliament and adherence to its oversight processes; and
4. Consequently, the Committee directed the Secretariat to obtain and circulate all relevant correspondence relating to the Cabinet Secretary's absence and resolved to defer consideration of the matter pending receipt of a formal explanation and the determination of an appropriate course of action.

MIN/SEN/RTH/958/2026

CONSIDERATION OF THE REPORT ON THE KENYA ROADS (AMENDMENT) (NO. 3) BILL (NATIONAL ASSEMBLY BILLS NO. 35 OF 2025)

1. The Committee considered the Report on the Kenya Roads (Amendment) (No. 3) Bill (National Assembly Bills No. 35 of 2025) and deliberated on its key proposals relating to road classification, apportionment of the Road Maintenance Levy Fund,

and the framework for determining the sharing formula between the national and county governments.

2. Members expressed concerns regarding the Bill's constitutional alignment, particularly on the allocation of road functions and responsibilities, and observed that the proposed allocation of five per cent of the levy to county governments may not adequately reflect the extent of the road network under their jurisdiction.
3. The Committee further underscored the need to avoid overlapping mandates and ensure consistency with the Fourth Schedule of the Constitution.
4. The Committee deferred the adoption of the report to Thursday, 11th June to allow the presence of more Members during the adoption. The Chairperson committed to mobilize attendance to facilitate conclusion of consideration of the Bill before the parliamentary recess and within the applicable court timelines.

MIN/SEN/RTH/959/2026

ANY OTHER BUSINESS

The Committee resolved that all pending scheduled retreats in this financial period be effected accordingly and appropriate arrangements be made to facilitate their implementation.

MIN/SEN/RTH/960/2026

**DATE OF THE NEXT MEETING
AND ADJOURNMENT**

The meeting adjourned at 12.24 pm, with the next meeting being on notice.

SIGNED:



DATE: Tuesday, 16th June, 2026

CHAIRPERSON: SEN. EDDY GICHERU OKETCH, MP

STANDING COMMITTEE ON ROADS, TRANSPORTATION & HOUSING



**MINUTES OF THE 166TH SITTING OF THE STANDING COMMITTEE ON
ROADS, TRANSPORTATION AND HOUSING HELD ON FRIDAY, 8TH MAY
2026 AT FOUR POINTS BY SHERATON HOTEL AT 9.00 A.M.**

PRESENT

- | | |
|---|--------------------|
| 1. Sen. Eddy Oketch, MP | - Chairperson |
| 2. Sen. (Dr.) Lelegwe Ltumbesi, CBS, MP | - Vice-Chairperson |
| 3. Sen. Mohamed Said Chute, CBS, MP | - Member |
| 4. Sen. Peris Tobiko, CBS, MP | - Member |
| 5. Sen. John Kinyua Nderitu, MP | - Member |
| 6. Sen. Miraj Abdillahi, MP | - Member |
| 7. Sen. Crystal Asige, MP | - Member |

ABSENT WITH APOLOGIES

- | | |
|--|----------|
| 1. Sen. Enoch Wambua CBS, MP | - Member |
| 2. Sen. Moses Otieno Kajwang', CBS, MP | - Member |

IN ATTENDANCE

- | | |
|----------------------------|----------------------------|
| 1. Mr. Davis Chirchir, EGH | - CS Roads and Transport |
| 2. Eng. Joseph Mbugua | - PS Roads |
| 3. Ms. Judith Kerich | - DG KRB |
| 4. Eng. S.K Kinoti | - DG KURA |
| 5. Mr. Michael Kirui | - COS/Advisor CS |
| 6. Mr. Alex Mbuvi | - CSC |
| 7. Eng. Monica Abonyo | - Director Highway Designs |
| 8. Eng. Julius Maitu | - Senior Engineer Roads |
| 9. Mr. Brenda Mwango | - Principal State Counsel |
| 10. Eng. Lula Kimeli | - DG KENHA |
| 11. Ms. Amina Mohamed | - Legal Counsel KRB |
| 12. Mr. Alfred Tanui | - Roads PLO |

COMMITTEE SECRETARIAT

- | | |
|--------------------------|--------------------------------|
| 1. Ms. Mwanate Shaban | - Principal Clerk Assistant II |
| 2. Ms. Peris Mukuria | - Clerk Assistant III |
| 3. Ms. Lucy Makara | - Deputy Director, P.B.O |
| 4. Ms. Regina Munyao | - Legal Counsel I |
| 5. Mr. Washington Otiato | - Media Relations Officer I |
| 6. Mr. Elijah Ichwara | - Audio Officer |
| 7. Mr. Patrick Murindo | - Sergeant At Arms |

MIN/SEN/RTH/915/2026

PRELIMINARIES

The meeting was called to order at 9.00 a.m. with a prayer. This was followed by introductions from all present.

MIN/SEN/RTH/916/2026

ADOPTION OF THE AGENDA

The Agenda of the meeting was adopted after being proposed by Sen. Crystal Asige, MP and seconded by Sen. Peris Tobiko, CBS, MP -

1. Prayer;
2. Adoption of the Agenda;
3. **Meeting with the State Department for Roads to deliberation on the Kenya Roads (Amendment) (No. 3) Bill (National Assembly Bills No. 35 of 2025)**
4. Any Other Business; and
5. Adjournment & Date of the Next Meeting.

MIN/SEN/RTH/917/2026

DELIBERATIONS ON THE KENYA ROADS (AMENDMENT) (NO. 3) BILL

The Cabinet Secretary, Ministry of Roads and Transport informed the Committee as follow-

1. The Ministry's position is guided by a 5th June, 2025, High Court judgment which mandated that County Governments be recognized as beneficiaries of the RMLF;
2. The Court of Appeal stayed this judgment until July 2026 to allow for legislative alignment.
3. The road network functions are constitutionally split into two distinct categories based on the Constitution and the 2025 Roads Register as-
 - National Trunk Roads (Classes S, A, B, C): These comprise 24% of the network (57,070 km) but carry the majority of motorized traffic and include strategic international corridors; and
 - County Roads (Classes D, E, F, G): These make up 76% of the network by length (182,052 km) but represent only 21% of the paved network.

4. Proposed Allocation Formula is a two-tier formula to distribute the RMLF, which currently collects Kshs 25 per litre of fuel as follows-
 - The Vertical Split: The formula recommends an allocation of 84.98% to National Trunk Roads and 15.02% to County Governments;
 - The "Q-Score" Logic: This allocation is derived from weighted criteria: Traffic Volumes (45%), Road Network Type (25%), Road Length (25%), and Road Condition (5%); and
 - The Horizontal Formula: Once the vertical split is decided, a horizontal formula further distributes funds among the 47 counties and various national agencies based on localized parameters like road condition and usage.
5. That the Ministry recommends that County RMLF allocations be "ring-fenced" in dedicated Special Purpose Accounts, separate from the general County Revenue Fund;
6. Resource allocation is 85% for the national government and 15% for county governments;
7. That this system considers the value of road assets, where county roads are valued at approximately 4 trillion Kenyan shillings and national roads at 3.6 trillion;
8. The system also considers vehicle congestion and road condition (good, average, poor) for fund distribution.

The Committee deliberated on the harmonization of stakeholder submissions regarding the Roads Maintenance Levy Fund (RMLF) amendments and made the following observations –

1. That road classification remained the central unresolved issue, as it directly determines the allocation of resources between the National Government and County Governments;
2. The Committee noted that the day's presentation largely reviewed previous submissions rather than introducing a new proposal;
3. That the classification of roads was critical as it directly affected development budgets and the distribution of the Roads Maintenance Levy Fund;
4. That there was concern regarding the impact of climate change on road infrastructure, particularly in counties affected by flooding and extreme weather conditions since the current RMLF framework does not sufficiently address climate-related vulnerabilities and resolved that this issue should be included substantively in the Committee Report for House consideration;
5. There should be a clarification on the measures being undertaken to fully integrate climate change adaptation and mitigation considerations into road construction and maintenance plans, particularly to enhance resilience against floods, landslides, and other climate-related risks.;
6. That the Bill should have clear plans to improve the allocation and disbursement of funds to ensure equitable distribution of resources across all regions, with

particular attention to county governments and underserved areas requiring urgent road infrastructure development;

7. Members noted that a significant number of county roads are poorly constructed and require substantial upgrading to meet the required standards and ensure durability.
8. The Committee observed that there are persistent challenges in the management of funds and the implementation of road projects, which continue to affect timely completion and quality of works.
9. Members further noted that the effects of climate change necessitate the adoption of improved construction materials and environmentally resilient road infrastructure methods to enhance sustainability and reduce future maintenance costs.

Consequently, the Committee made the following resolutions -

1. That technical reviews and considered opinions from the Engineers Board's should be submitted within fourteen days where possible, while allowing up to three weeks for complete harmonization before recess, and that the technical opinion would be critical in determining the final Committee position;
2. The Committee to engage the Parliamentary Budget Office, DCOR, LISAC, and the Engineers Board to provide technical guidance and assist in rationalizing the classification framework and allocation formula.
3. That the matter be treated as a priority immediately after recess to facilitate House consideration and mediation; and
4. That the House should debate the introduction of an equalization mechanism or targeted allocation framework to support climate-affected counties and roads.

MIN/SEN/RTH/918/2026

ANY OTHER BUSINESS

There was no other business.

MIN/SEN/RTH/919/2026

**DATE OF THE NEXT MEETING
AND ADJOURNMENT**

The meeting was adjourned at 11.43 am, for a health break.

SIGNED:



DATE: Tuesday, 2nd June, 2026

CHAIRPERSON: SEN. EDDY GICHERU OKETCH, MP

STANDING COMMITTEE ON ROADS, TRANSPORTATION & HOUSING



**MINUTES OF THE 162ND SITTING OF THE STANDING COMMITTEE ON
ROADS, TRANSPORTATION AND HOUSING HELD ON TUESDAY, 21ST
APRIL, 2026 IN COMMITTEE ROOM 5, FIRST FLOOR, BUNGE TOWER
AT 11.00 A.M.**

PRESENT

- | | |
|-------------------------------------|---------------|
| 1. Sen. Eddy Oketch, MP | - Chairperson |
| 2. Sen. Enoch Wambua CBS, MP | - Member |
| 3. Sen. Mohamed Said Chute, CBS, MP | - Member |
| 4. Sen. Peris Tobiko, CBS, MP | - Member |
| 5. Sen. Miraj Abdillahi, MP | - Member |

ABSENT WITH APOLOGIES

- | | |
|---|--------------------|
| 1. Sen. (Dr.) Lelegwe Ltumbesi, CBS, MP | - Vice-Chairperson |
| 2. Sen. Moses Otieno Kajwang', CBS, MP | - Member |
| 3. Sen. John Kinyua Nderitu, MP | - Member |
| 4. Sen. Crystal Asige, MP | - Member |

COMMITTEE SECRETARIAT

- | | |
|--------------------------|-----------------------|
| 1. Ms. Peris Mukuria | - Clerk Assistant III |
| 2. Ms. Regina Munyao | - Legal Counsel I |
| 3. Mr. Elijah Ichwara | - Audio Officer |
| 4. Mr. Patrick Murindo | - Sergeant At Arms |
| 5. Ms. Valentine Muronji | - Intern |

MIN/SEN/RTH/894/2026

PRELIMINARIES

The meeting was called to order at 11.30 a.m. with a prayer. This was followed by introductions from all present.

MIN/SEN/RTH/895 /2026

ADOPTION OF THE AGENDA

The Agenda of the meeting was adopted after being proposed by Sen. Miraj Abdillahi, MP and seconded by Sen. Mohamed Said Chute, CBS, MP as follows-

1. Prayer;
2. Adoption of the Agenda;
3. **Consideration of Committee Amendments to the on the Kenya Roads (Amendment) (No. 3) Bill (National Assembly Bills No. 35 of 2025 (Committee Paper No. 108);**
4. **Any Other Business; and**
5. Adjournment & Date of the Next Meeting.

MIN/SEN/RTH/896/2026

**COMMITTEE AMENDMENTS TO THE ON
THE KENYA ROADS (AMENDMENT)
(NO.3) BILL (NATIONAL ASSEMBLY
BILLS NO. 35 OF 2025)**

Members considered the proposed amendments and resolved to undertake further consultations with an independent expert on the classification of roads and the formula for revenue allocation, with a view to providing appropriate recommendations and the way forward.

MIN/SEN/RTH/897/2026

ANY OTHER BUSINESS

Members resolved to visit the Bomas International Conference Center development project on Thursday, 30th April, 2026 in order to appraise itself on the status of its construction.

MIN/SEN/RTH/898/2026

**DATE OF THE NEXT MEETING
AND ADJOURNMENT**

The meeting was adjourned at 13.24 pm, with the next meeting scheduled for Thursday, 23rd April, 2026.

SIGNED:



DATE: Tuesday, 5th May, 2026

CHAIRPERSON: SEN. EDDY GICHERU OKETCH, MP

STANDING COMMITTEE ON ROADS, TRANSPORTATION & HOUSING



**MINUTES OF THE 156TH SITTING OF THE STANDING COMMITTEE ON
ROADS, TRANSPORTATION AND HOUSING HELD ON FRIDAY, 13TH
MARCH, 2026 AT FOUR POINTS HOTEL BY SHERATON, MACHAKOS
COUNTY AT 11.00 A.M.**

PRESENT

- | | |
|---|--------------------------------|
| 1. Sen. (Dr.) Lelegwe Ltumbesi, CBS, MP | - Vice-Chairperson (Ag. Chair) |
| 2. Sen. Mohamed Said Chute, CBS, MP | - Member |
| 3. Sen. Peris Tobiko, CBS, MP | - Member |
| 4. Sen. Eddy Oketch, MP | - Chairperson (Virtual) |
| 5. Sen. Enoch Wambua CBS, MP | - Member (Virtual) |
| 6. Sen. John Kinyua Nderitu, MP | - Member (Virtual) |
| 7. Sen. Miraj Abdillahi, MP | - Member (Virtual) |

ABSENT WITH APOLOGIES

- | | |
|--|----------|
| 1. Sen. Moses Otieno Kajwang', CBS, MP | - Member |
| 2. Sen. Crystal Asige, MP | - Member |

COMMITTEE SECRETARIAT

- | | |
|--------------------------|--------------------------------|
| 1. Ms. Veronica Kibati | - Deputy Director /HoD |
| 2. Ms. Mwanate Shaban | - Principal Clerk Assistant II |
| 3. Ms. Peris Mukuria | - Clerk Assistant III |
| 4. Ms. Regina Munyao | - Legal Counsel I |
| 5. Mr. Washington Otiato | - Media Relations Officer II |
| 6. Ms. Christine Isemeck | - Research Officer III |
| 7. Mr. Elijah Ichwara | - Audio Recording Officer |
| 8. Mr. Patrick Murindo | - Sergeant At Arms |
| 9. Ms. Valentine Muronji | Attache |

MIN/SEN/RTH/854/2026**PRELIMINARIES**

The meeting was called to order at 11.00 am with a prayer by Sen. (Dr.) Lelegwe Ltumbesi, CBS, MP.

MIN/SEN/RTH/855 /2026**ADOPTION OF THE AGENDA**

The agenda of the meeting was adopted after being proposed by Sen. Peris Tobiko, CBS, MP, and seconded by Sen. Mohamed Said Chute, CBS, as follows-

1. Prayer;
2. Adoption of the Agenda;
3. Briefing on the construction of the Talanta Stadium (Committee Paper No.113);
4. Consideration of the Public Participation matrix on the Kenya Roads (Amendment) (No. 3) Bill (National Assembly Bills No. 35 of 2025);
5. Consideration of the Petition concerning compensation of residents affected by the construction of Kamwasor - Nyaru Road;
6. Any Other Business; and
7. Date of the Next Meeting and Adjournment.

MIN/SEN/RTH/856/2026**BRIEFING ON THE CONSTRUCTION OF THE TALANTA STADIUM.**

1. The Members were taken through the contents brief on the status of construction of the Talanta Stadium and after deliberations, made the following observations and resolutions-
 - a) The Talanta Sports City (Raila Amollo Odinga International) Stadium is designed as a 60,000-seater modern sporting facility and forms part of the Government's broader programme to upgrade national sports infrastructure ahead of the continental tournament. Construction of the project commenced in March 2024 and was projected to be completed by March 2026, ahead of the scheduled inspection by CAF officials;
 - b) The construction cost of the stadium, as disclosed to the National Assembly's Committee on Sports and Culture, stands at approximately Kshs. 45.85 billion, and the project is reportedly financed through a securitized infrastructure bond supported by the Sports, Arts and Social Development Fund (SASDF);
 - c) The Auditor-General, in the audit of the Ministry of defense accounts for the financial year ended 30 June 2025, flagged an unsupported cost variation of approximately Kshs. 10.85 billion in the Talanta Sports City Stadium project. The audit indicates that although the National Treasury had approved Kshs. 35 billion from the Sports, Arts and Social Development Fund under a six-year payment plan, the contract was signed at approximately Kshs. 45.85 billion, resulting in a variance

that was not supported by adequate documentation;

- d) Further, the audit noted that the contract was awarded through direct procurement rather than competitive tendering as required under the Public Procurement and Asset Disposal Act, Cap. 412C. The Auditor-General also raised concerns that the procurement did not meet the statutory threshold for direct procurement and that clearance from the Attorney-General for contracts exceeding Kshs. 5 billion was not obtained; and
 - e) The Committee further noted that similar stadium projects undertaken in other countries, including South Africa, the United Kingdom, and Côte d'Ivoire, had not been as costly.
2. The Committee consequently resolved to undertake a fact-finding mission in March, 2026 to inspect the stadium project in order to obtain a comprehensive status report on the procurement process, financing structure, cost variations, and the projected timelines for completion.

MIN/SEN/RTH/857/2026

**CONSIDERATION OF THE PUBLIC
PARTICIPATION MATRIX ON THE KENYA
ROADS (AMENDMENT) (NO.3) BILL
(NATIONAL ASSEMBLY BILLS NO.35 OF 2025**

1. Members were taken through the matrix on the Consideration of the Public Participation matrix on the Kenya Roads (Amendment) (No. 3) Bill (National Assembly Bills No. 35 of 2025, and made resolutions as outlined in the matrix attached.
2. The Committee resolved that Committee amendments be drafted for consideration and adoption by the Committee.

MIN/SEN/RTH/858/2026

**CONSIDERATION OF THE PETITION
CONCERNING COMPENSATION OF
RESIDENTS AFFECTED BY THE
CONSTRUCTION OF KAMWASOR - NYARU
ROAD**

1. The Committee considered the Petition concerning compensation of residents affected by the construction of Kamwasor - Nyaru Road and noted a response dated 17th September, 2024 from the Ministry of Roads and Transport indicating that the Ministry would collaborate with the Ministry of Lands, Public Works, Housing and Urban Development, National Lands Commission and the Project Affected Persons in order to establish the facts of the matter and find a solution for the land acquired.
2. The Committee resolved to invite the National Lands Commission and Kenya National

Highways Authority (KeNHA) to a meeting of the Committee in order to apprise the Committee on the status of the compensation.

MIN/SEN/RTH/859/2025: ANY OTHER BUSINESS

There was no other business

MIN/SEN/RTH/860/2025 ADJOURNMENT & DATE OF THE NEXT MEETING

The meeting was adjourned at 1.00 pm, for a health break.

SIGNED: 

DATE: Tuesday, 31st March, 2026

CHAIRPERSON: SEN. EDDY GICHERU OKETCH, MP

STANDING COMMITTEE ON ROADS, TRANSPORTATION & HOUSING



**MINUTES OF THE 154TH SITTING OF THE STANDING COMMITTEE ON
ROADS, TRANSPORTATION AND HOUSING HELD ON THURSDAY, 5TH
MARCH, 2026 IN COMMITTEE ROOM 2, FIRST FLOOR, BUNGE TOWER AT
11.00 A.M.**

PRESENT

1. Sen. (Dr.) Lelegwe Ltumbesi, CBS, MP - Vice-Chairperson (Ag. Chair)
2. Sen. Enoch Wambua CBS, MP - Member
3. Sen. John Kinyua Nderitu, MP - Member
4. Sen. Mohamed Said Chute, CBS, MP - Member
5. Sen. Peris Tobiko, CBS, MP - Member

ABSENT WITH APOLOGIES

1. Sen. Eddy Oketch, MP -Chairperson
2. Sen. Moses Otieno Kajwang', CBS, MP - Member
3. Sen. Crystal Asige, MP - Member
4. Sen. Miraj Abdillahi, MP - Member

IN ATTENDANCE - MINISTRY OF ROADS AND TRANSPORT

1. Mr. Davis Chirchir, EGH - Cabinet Secretary
2. Eng. Joseph Mbugua, CBS - PS Roads
3. Mr. Mohamed Daghar, CBS - PS Transport
4. Ms. Teresiah Mbaika, CBS - PS Aviation
5. Eng. Luka Kimeli - DG KENHA
6. Eng. Jackson Magundu - DG KeRRA
7. Mr. Philip Wachira - SCFO SDOR
8. Ms. Catherine Kassim - DDBS – KRB
9. Eng. Gilbert Arasa - Ag. Rs. SDOR
10. Mr. Fredrick Kabunge - SDAAD
11. Eng. M.T. Teliemy - D- DACM KURA

COMMITTEE SECRETARIAT

1. Ms. Mwanate Shaban - Principal Clerk Assistant II
2. Ms. Peris Mukuria - Clerk Assistant III
3. Mr. Gorod Abdi - Fiscal Analyst

- | | |
|---------------------------|--|
| 4. Ms. Regina Munyao | - Legal Counsel I |
| 5. Mr. Washington Otiato | - Media Relations Officer II |
| 6. Ms. Christine Isemeck | - Research Officer III |
| 7. Mr. Elijah Ichwara | - Audio Recording Officer |
| 8. Ms. Christabel Wasilwa | - Assistant Public Communication Officer |

MIN/SEN/RTH/843/2026

PRELIMINARIES

The meeting was called to order at 11.30 am with a prayer by Sen. Mohamed Said Chute, CBS, MP. This was followed by introductions from all present.

MIN/SEN/RTH/844 /2026

ADOPTION OF THE AGENDA

The agenda of the meeting was adopted after being proposed by Sen. Enoch Wambua CBS, MP, and seconded by Sen. John Kinyua, MP as follows-

1. Prayer;
2. Adoption of the Agenda;
3. Introductions;
4. Meeting with Cabinet Secretary, Ministry of Roads and Transport to deliberate on the Kenya Roads (Amendment) (No. 3) Bill, 2025 (National Assembly Bills No. 34 of 2025);
5. Any Other Business; and
6. Date of the Next Meeting and Adjournment.

MIN/SEN/RTH/845/2026

**MEETING WITH THE CABINET SECRETARY,
MINISTRY OF ROADS AND TRANSPORT ON
THE KENYA ROADS (AMENDMENT) (NO. 3)
BILL, 2025 (NATIONAL ASSEMBLY BILLS NO.
34 OF 2025)**

The Cabinet Secretary for the Ministry of Roads and Transport (Kenya), Mr. Davis Chirchir, appeared before the Committee to present the Ministry's views on the Kenya Roads (Amendment) (No.3) Bill, 2025 as follows-

1. That the Bill seeks to address a ruling of the High Court of Kenya in Issa Elanyi Chemaio vs National Assembly & Others (Petition No. E423 of 2024) which declared Section 6 of the Kenya Roads Board Act and Section 47 of the Kenya Roads Act unconstitutional;
2. That the roads sector has experienced significant funding challenges, leading to pending bills exceeding KSh 175 billion. To address stalled projects, the Ministry securitized part of the Roads Maintenance Levy Fund, resulting in the payment of all verified pending bills;

3. That the proposed amendments aim to-
 - i. Clarify the roles of the National and County Governments in road management;
 - ii. Review the classification of roads through a national road network survey;
 - iii. Revise the First Schedule on road classifications to align with regional and international standards; and
 - iv. Introduce objective criteria for allocation of the Roads Maintenance Levy Fund based on road length, traffic levels, road condition, and strategic importance.
4. That a detailed proposal on road classifications and fund allocations had been submitted to the Committee for consideration;

Upon deliberation on the matter, the Committee made the following observations and resolutions:

1. That the current classification of roads is erroneous, resulting in overlaps in the management and maintenance of certain roads;
2. That the mandates of the Kenya Urban Roads Authority (KURA) and the Kenya Rural Roads Authority (KeRRA) overlap with the functions of County Governments, leading to duplication of roles;
3. That many counties, particularly the marginalised counties, continue to experience poor road infrastructure, which undermines the spirit and objectives of devolution;
4. That the National Government reviews the roles of the Kenya Urban Roads Authority (KURA) and the Kenya Rural Roads Authority (KeRRA) with a view to addressing duplication of functions with County Governments; and
5. That the Ministry of Roads and Transport provides the Committee with the contract details and status of implementation of the Mau Summit–Lironi Road project, including the contractor, scope of works, timelines, and funding arrangements.

MIN/SEN/RTH/846/2025: ANY OTHER BUSINESS

There was no other business

MIN/SEN/RTH/847/2025 ADJOURNMENT & DATE OF THE NEXT MEETING

The meeting was adjourned at 2.30 pm, with the next meeting being on notice.

SIGNED: 

DATE: Tuesday, 31st March, 2026

CHAIRPERSON: SEN. EDDY GICHERU OKETCH, MP

STANDING COMMITTEE ON ROADS, TRANSPORTATION & HOUSING



**MINUTES OF THE 153RD SITTING OF THE STANDING COMMITTEE ON
ROADS, TRANSPORTATION AND HOUSING HELD ON TUESDAY 3RD
MARCH, 2026 IN COMMITTEE ROOM 5, FIRST FLOOR, BUNGE TOWER AT
10.00 A.M.**

PRESENT

- | | |
|---|--------------------|
| 1. Sen. Eddy Oketch, MP | -Chairperson |
| 2. Sen. (Dr.) Lelegwe Ltumbesi, CBS, MP | - Vice-Chairperson |
| 3. Sen. Enoch Wambua CBS, MP | - Member |
| 4. Sen. John Kinyua Nderitu, MP | - Member |
| 5. Sen. Mohamed Said Chute, CBS, MP | - Member |
| 6. Sen. Peris Tobiko, CBS, MP | - Member |
| 7. Sen. Crystal Asige, MP | - Member |
| 8. Sen. Miraj Abdillahi, MP | - Member |

ABSENT WITH APOLOGIES

- | | |
|--|----------|
| 1. Sen. Moses Otieno Kajwang', CBS, MP | - Member |
|--|----------|

IN ATTENDANCE - COUNTY GOVERNMENT OF KIAMBU

- | | |
|-----------------------------------|----------------------------|
| 1. Hon. Dr. Kimani Wamatangi, EGH | - Governor |
| 2. Mr. Nicodemus Mbwika | - Director -Infrastructure |
| 3. Mr. James Mbugua | - Chief of Staff |
| 4. Ms. Grace Turanta | - Director Liason |

COMMITTEE SECRETARIAT

- | | |
|--------------------------------------|----------------------------------|
| 1. Ms. Mwanate Shaban | - Principal Clerk Assistant II |
| 2. Ms. Peris Mukuria | - Clerk Assistant III |
| 3. Ms. Regina Munyao | - Legal Counsel I |
| 4. Mr. Washington Otiato | - Media Relations Officer II |
| 5. Ms. Christine Isemeck | - Research Officer III |
| 6. Mr. Elijah Ichwara | - Audio Recording Officer |
| 7. Ms. Christabel Wasilwa
Officer | - Assistant Public Communication |

MIN/SEN/RTH/838/2026**PRELIMINARIES**

The meeting was called to order at 10.30 am with a prayer by Sen. Eddy Oketch, MP. This was followed by introductions by all present.

MIN/SEN/RTH/839 /2026**ADOPTION OF THE AGENDA**

The agenda of the meeting was adopted after being proposed by Sen. Enoch Wambua CBS, MP, and seconded by Sen. John Kinyua Nderitu, MP as follows-

1. Prayer;
2. Adoption of the Agenda;
3. Introductions;
4. Meeting with Council of Governors on the Kenya Roads (Amendment) (No. 3) Bill, 2025(National Assembly Bills No. 34 of 2025);
5. Any Other Business; and
6. Date of the Next Meeting and Adjournment.

MIN/SEN/RTH/840/2026**MEETING WITH THE COUNCIL OF GOVERNORS ON THE KENYA ROADS (AMENDMENT) (NO. 3) BILL, 2025(NATIONAL ASSEMBLY BILLS NO. 34 OF 2025)**

The Chairperson for Transport, Infrastructure and Energy Committee from the Council of Governors, Hon. Dr. Kimani Wamatangi made the following submissions in regards to the Bill-

1. The Roads Maintenance Levy Fund Act provides for the imposition of a road maintenance levy on petroleum fuels and the establishment and administration of the Road Maintenance Levy Fund (RMLF) and the purpose of the funds being to finance road maintenance;
2. Section 7 of the Act requires that monies from the levy and transit tolls be paid into two special accounts established by the Kenya Roads Board -A General Account and a Local Authority Account (now interpreted as the County Government Account under devolution);
3. The creation of two accounts shows that Parliament intended to support road maintenance at both levels of government and therefore excluding county governments from accessing the RMLF contradicts the purpose and structure of the Act;
4. Section 7(3A) requires that funds be shared in proportions based on objective estimates of annual road maintenance costs. Under devolution, these objective estimates must reflect the fact that counties manage 76.15% (182,092 km) of Kenya's 239,122 km road network. This necessitates a clear and equitable

separation of funds between national and county roads. Allocation of funds should therefore be guided by actual maintenance responsibilities and cost estimates, in line with the spirit of the Act;

5. High Court Judgment (5 June 2025) The High Court declared Section 47 (road classification) unconstitutional for excluding counties from the Road Maintenance Levy Fund (RMLF) under the Kenya Roads Board Act, consequently giving Parliament 12 months to correct the law;
6. Under Clauses 2, 3 and 5, the Bill redefines “national trunk roads” and “county roads.” However, some urban and rural roads that are constitutionally devolved remain classified as national roads, therefore proposing reclassifying minor urban arterials (Bu), secondary rural roads (C), urban collectors (Cu), and business streets (Du) as county roads, and establishing a joint intergovernmental mechanism for road classification instead of leaving the power solely to the Cabinet Secretary;
7. The proposed dissolution of the Kenya Rural Roads Authority (Kerra) and the Kenya Urban Roads Authority (KURA) was grounded in the fact that rural and urban roads are devolved functions under the Fourth Schedule of the Constitution. Any restructuring must therefore be accompanied by legislation that properly assigns both functions and resources to the appropriate level of government, in line with the Senate’s mandate under Article 96 to protect county interests;
8. The 22% previously allocated to the Constituency Road Fund and administered by KeRRA should now go directly to county governments to develop and maintain former rural (Class C) roads within their counties.
9. The 10% previously allocated to roads linking constituencies and administered by KeRRA should likewise be administered by the counties, as these roads are now properly classified as county roads; and
10. Under Section 7 of the Kenya Roads Board Act, which establishes the membership of the Board, we propose that the two outdated Principal Secretary positions (for Local Authorities and Regional Cooperation) be replaced with two representatives nominated by the Council of Governors. Counties manage 76% of the national road network. It is only logical and fair that they have a formal voice at the highest decision-making body for roads in the country.

Members deliberated on the submissions from the Council of Governors and made the following observations and resolutions-

1. That, noting that the securitization of the Kshs 7 fuel levy was intended to offset pending bills in the roads sector, the Committee resolves that where such proceeds are applied towards the settlement of outstanding obligations, pending bills incurred by county governments in respect of county roads should equally be offset from the same proceeds in order to ensure fairness and equitable treatment between the two levels of government;

2. That, recognizing that county governments manage 76.15% (182,092 km) of Kenya's 239,122 km road network, the Committee notes that the 5% allocation to counties is inequitable and contradicts the principle that resources must follow functions, and therefore calls for a review of the allocation framework to reflect the responsibilities borne by county governments;
3. That, the Committee observes that the absence of county government representation in the membership of the Kenya Roads Board weakens coordination, planning, and accountability in the management of road resources, and therefore recommends the inclusion of county government representation in the Board's membership;
4. That, cognizant that county roads are a devolved function under the Fourth Schedule of the Constitution, the Committee resolves that no reclassification of roads should be undertaken without a joint intergovernmental mechanism involving both levels of government; and
5. That, the Committee resolves to protect devolution and safeguard the interests of county governments in the management, financing, and administration of county roads.

MIN/SEN/RTH/841/2025: ANY OTHER BUSINESS

There was no other business

MIN/SEN/RTH/842/2025 ADJOURNMENT & DATE OF THE NEXT MEETING

The meeting was adjourned at 2.30 pm, with the next meeting being on notice.

SIGNED:



DATE: Tuesday, 31st March, 2026

CHAIRPERSON: SEN. EDDY GICHERU OKETCH, MP

STANDING COMMITTEE ON ROADS, TRANSPORTATION & HOUSING

NO.	CLAUSE	STAKEHOLDER	PROPOSED AMENDMENT	OBSERVATIONS
			proposing the merger of these two agencies to eliminate duplication. The Council notes that it is important that Government policy remain consistent. We cannot, on the one hand, decide to dissolve or merge these agencies because they perform devolved functions, and on the other hand continue to channel billions of shillings to them to perform the very same functions at the expense of the County Governments. The restructuring of these agencies should be matched by legislation that properly assigns both the functions and the resources to the correct level of government. 9. The Senate, under Article 96 of the Constitution, has the special mandate to represent and protect the interests of county governments and therefore the Council respectfully urges the senate to consider the issues raised by the Council.	

NO.	CLAUSE	STAKEHOLDER	PROPOSED AMENDMENT	OBSERVATIONS
			noting however is the fact that in the strict interpretation of the Constitution, there are County trunk roads like the health sector where we have National Referral Hospitals and County Referral Hospitals. 6. In recent years, however, this constitutional clarity has been undermined. Through decisions of the National Assembly on 28th September 2023 and 13th August 2024, counties were excluded from direct allocation of the Road Maintenance Levy Fund (RMLF) the dedicated levy paid by every motorist on every litre of fuel. In response, the Council of Governors, acting as the 5th Petitioner together with other concerned Kenyans, approached the High Court in Constitutional Petition E423 of 2024. 7. On 5 June 2025, Justice Lawrence Mugambi delivered a landmark judgment declaring the existing road classification under Section 47 and the exclusion of counties from the RMLF under Section 6 of the Kenya Roads Board Act unconstitutional. The Court of Appeal subsequently granted a 12-month stay of those declarations (until July 2026) to avoid disruption, thereby giving Parliament the necessary window to legislate the required corrections. I believe this Bill is Parliament's direct response to that judicial directive. 8. The Council further notes that there is an existing challenge of policy inconsistency. As far back as 2013, the Presidential Taskforce on Parastatal Reforms — the Hon. Mohamed Abdikadir Report — had already recommended the dissolution of KeRRA and KURA precisely because rural and urban roads are devolved functions under the Fourth Schedule. More recently, on 21 January 2025, Cabinet approved reforms	

NO.	CLAUSE	STAKEHOLDER	PROPOSED AMENDMENT	OBSERVATIONS
			the Act to cater for the maintenance of roads at both levels of government, including what are now county roads. Therefore, any position to exclude counties from the RMLF cannot be justified, as it contradicts the very purpose for which the Fund exists. 3. When we delve deeper into the Act, under Section 7(3A), we note that the monies accruing to the Fund from the levy are required to be paid into these accounts in proportions that reflect objective estimates of annual road maintenance costs—proportions that, in the context of devolution, must now account for the fact that counties manage 76.15% of Kenya's 239,122 km road network. This calls for a clear separation of funds for national and county roads, leaving no ambiguity in equitable allocation, as the spirit of the sharing is based on objective estimates of maintenance costs for unclassified roads reduced by local expenditures. 4. The Council notes that the journey to this Bill has involved sustained efforts to align the roads sector with our devolved system of government. The Kenya Roads Act (Cap 408) was enacted in 2007, before the 2010 Constitution, and established the current national road agencies — the Kenya National Highways Authority (KeNHA), the Kenya Urban Roads Authority (KURA) and the Kenya Rural Roads Authority (KeRRA). 5. Post-2010, the Constitution introduced two distinct but interdependent levels of government. When one examines the distribution of functions under Parts 1 and 2 of the Fourth Schedule, national trunk roads are assigned to the national government, while county roads are an exclusive responsibility of county governments. Worth	

NO.	CLAUSE	STAKEHOLDER	PROPOSED AMENDMENT	OBSERVATIONS
			Undermines the spirit and letter of devolution and county autonomy as entrenched in Articles 6(2), 174, 175 and 187 of the Constitution. Fails to respect the distinct but interdependent relationship between the two levels of government.	
19.	General Comments	CRA	- There is need to enact a comprehensive roads legislation within 3 years to consolidate numerous piecemeal legislations on roads. Within the context of this legislations, classification of roads to be into two categories namely national roads and county roads in line with the 4th Schedule of the constitution. Further entities like KURA and KerRA should be phased out in such a law. - There is need to progressively increase the percentage of funds allocated to the county government for roads on the basis that the counties have a wider road coverage compared to the National government as it has been illustrated. - The Road Maintenance Levy Fund proceeds are collected across the country and hence distribution of the proceeds should reflect that position in terms of equality.	The Committee accepted the proposal on aligning the Road related laws with the constitution. On gradual increase of allocation the committee resolved for the increase to be effected now.
20.	General Comments.	COG	- That the Roads Maintenance Levy Fund Act, Cap. 427, under the long title provides that the purpose of the Act is to provide for the imposition of a road maintenance levy on petroleum fuels and for the establishment and administration of a Road Maintenance Levy Fund. - Further, Section 7 of the Act requires that monies accruing to the Fund from the levy and transit tolls be paid into two special accounts established by the Kenya Roads Board: a general account and a local authority account (now to be read as the county government account). This structure demonstrates that it was the original intention of	

NO.	CLAUSE	STAKEHOLDER	PROPOSED AMENDMENT	OBSERVATIONS
			The Act was enacted before the 2010 Constitution and does not reflect the devolved governance structure. Counties have direct constitutional responsibility over County Roads (Fourth Schedule). No formal representation of County Governments in the Board. Current representation includes PS for local authorities and PS for regional cooperation.	
17.	Section 17 and 17A - Constituency Roads Committee		Proposal. Delete Section 17 and 17A of the roads committee Justification. - Section 17 and 17A creates an unconstitutional and illegal entity to maintain roads already classified under County Governments and also undertake procurement of roads contrary to the Public Procurement and Disposal Act 2015. - The Constitution only provided for two classes of roads. National Trunk Roads and County Roads. Constituency roads do not exist in the current constitutional framework and therefore introducing the undermines of the Constitution	The Committee accepted this proposal and the justifications.
18.	General - Alignment with Devolution		Proposal Amend the Bill to clearly recognize and safeguard County Roads as a devolved function under the Fourth Schedule and avoid reclassification of County Roads as National Roads. Justification The Bill only partially aligns with the Constitution and in some instances reclassifies County Roads as National Roads.	The Committee accepted the proposal and the Justifications.

NO.	CLAUSE	STAKEHOLDER	PROPOSED AMENDMENT	OBSERVATIONS
			• The safeguarding of public interest through sufficient oversight and enforcement of standards. The funding allocation criteria is guided by the following principles; • Length of Road; This considered a ratio based on road asset value for paved and unpaved roads and the road asset value thereto; • Traffic levels; This incorporated traffic volumes per km for the respective road; • Road condition survey; This was geared to asset value preservation and ensure that investments in the road network are not eroded in the network under consideration. • Road network type; This considered the criticality of the road link to ensure regional and national connectivity, equity and inclusiveness.	
15.	6(7)- Objects and purpose of the Board	CRA	The Board may take other remedial , supplementary or alternative measures to ensure compliance with the conditions under the act or written law. Specify the measures for transparency and equity.	The Committee accepted the proposal and resolved to delete the clause because its open to abuse.
16.	New Clauses- Section 7 - Membership of Kenya Roads Board (KRB)	COG	<u>Proposal</u> Amend Section 7 to replace the two PS positions with two (2) representatives of the Council of Governors nominated by the CoG to represent County Governments on the Board. <u>Justification</u>	The Committee accepted the Proposal since Roads function is a concurrent function.

NO.	CLAUSE	STAKEHOLDER	PROPOSED AMENDMENT				OBSERVATIONS	
			6.	National Emergency fund/Disaster contingency fund.	8	• Based on allocation in 2025		
			7.	KRB	1.5	• Based on allocation in 2025		
				Total	98.5	There is a balance 1.5%		
			Justification • The Kenya Roads Board is the implementer agency for the Kenya Roads Board Act while the Kenya Roads Act is implemented by the three roads implementing agencies, KeNHA, KeRRA and KURA. The Ministry on the other hand is overall in charge of standards of the construction and maintenance of road network in Kenya for both levels of Government. • The proposed law will need to be cognisant of the development and maintenance needs of the road network and the need to consolidate the gains made over the years. Recommendations are premised on the following principles; • Appreciation of the interdependencies of all parts of the network hence the need to provide support to county roads; • Consideration of the specific functions and the needs of the roads in the network in the classification and allocation of funds; • The need to ensure asset preservation through objective allocation of maintenance funds; • The sustainability of both development and maintenance initiatives for the country's network; and					

NO.	CLAU SE	STAKEHOLDER	PROPOSED AMENDMENT	OBSERVATIONS																								
	Roads in National Parks & Reserves		1% of funds is allocated exclusively to the Kenya Wildlife Service (KWS) for roads in parks and reserves. Replace KWS-only allocation with: "A joint allocation framework for park roads administered by KWS and the respective County Governments hosting national parks and reserves under Article 187 of the Constitution." <u>Justification.</u> Counties such as Narok and Kajiado among others play a major role in developing and maintaining access and supporting infrastructure to and within parks. Exclusive allocation to KWS is inconsistent with Article 187 and the principle that resources should follow functions.	the allocated funds will be used to repair roads in the parks.																								
14.	6- Consequenti al amendment to clause 6 of Cap 408 A	Ministry of Roads.	<table><tr><th>No</th><th>Agency</th><th>Proposal %</th><th>Justification</th></tr><tr><td>1.</td><td>KeNHA</td><td>36</td><td>Based on actual allocations in 2025</td></tr><tr><td>2.</td><td>KeRRA</td><td>26</td><td> - County Road Network is predominately drawn from former roads under KeRRA - KeRRA network reduced from 121,000 to 29,000kms. </td></tr><tr><td>3.</td><td>KURA</td><td>11</td><td> - KURA also lost a small part of its network to counties in form of urban county roads </td></tr><tr><td>4.</td><td>Counties</td><td>15</td><td> - Length of the road network, traffic levels as a proportion of total traffic, class of county roads all weighted informed the proposed allocation. </td></tr><tr><td>5.</td><td>KWS</td><td>1</td><td> - Based on allocation in 2025 </td></tr></table>	No	Agency	Proposal %	Justification	1.	KeNHA	36	Based on actual allocations in 2025	2.	KeRRA	26	- County Road Network is predominately drawn from former roads under KeRRA - KeRRA network reduced from 121,000 to 29,000kms.	3.	KURA	11	KURA also lost a small part of its network to counties in form of urban county roads	4.	Counties	15	Length of the road network, traffic levels as a proportion of total traffic, class of county roads all weighted informed the proposed allocation.	5.	KWS	1	Based on allocation in 2025	The Committee accepted the weights allocated to each road but noted that the overall management of the roads will be adjusted to reflect the mandates of each level of the government.
No	Agency	Proposal %	Justification																									
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NO.	CLAUSE	STAKEHOLDER	PROPOSED AMENDMENT	OBSERVATIONS
				4% Disaster, and equity.
		CRA	the provision to CS for road related emergencies. <u>Justification.</u> The provision is open to abuse because can be catered for under the allocation to specific entities.	
12.	Section 6(2) - Financial Allocation to Counties	COG	<u>Proposal</u> Only 5% of the Road Maintenance Levy Fund is allocated to County Governments Increase the allocation to County Governments to not less than 42 % of total fuel levy collections for the preceding financial year, in line with Article 202 and Article 203 of the Constitution. - Further based on the Council According to RICS and Kenya Roads Register 2024, counties manage approximately 182,832 km (76.5%) of the road network, while National Government manages about 56,290 km (23.5%). The 5% allocation is inequitable and contradicts the principle that resources must follow functions and the constitutional minimum of 15% share of national revenue to counties. - Further based on the Council recommendations on the classification of the roads, the Counties will manage all the roads currently under KeRRA, KURA and Constituency maintenance.	The Committee accepted the proposal; Resources should follow functions.
13.	Section 6(2)(d)(v) -	COG	<u>Proposal</u>	The Committee rejected the proposal;

NO.	CLAUSE	STAKEHOLDER	PROPOSED AMENDMENT	OBSERVATIONS
			(ii) Amend the allocation on (d) to 10% from the proposed 14% for constituency maintenance by KURA (iii) Paragraph (e) (v) Allocation to kws should be split into two after the word and. Also the proposal seems to amend the current subparagraph (vi) on the allocation of the Board on recurrent expenditure yet there is no proposal in the Bill to delete (vi) . This in effect creates two similar provisions with different allocation towards the same entity. Delete the current subparagraph (vi) and substitute it with new amendment of 1.5 allocation for recurrent expenditure. (iv) <u>Delete (vii) for state department of roads recurrent expenditure.</u> <u>Allocation for counties from 5% to 34.5 %. The addition is derived from deduction as shown above.</u> <u>Justification</u> <u>The basis of allocation is not clear.</u> For Equity and transparency & for prudent and responsible use of public resources in line with Article 201 of the constitution. Specific to the Commissions proposed increase of County allocations, it is important to note that the allocations which are RMLF proceeds are not part of the sharable revenue in context of Article 202. The RLMF is founded on Article 206 on other public funds and is therefore excluded from shareable revenue. Additionally, Counties have a wide road coverage (121, 820 kms) compared to national government's 44, 629 Kms hence the need to increase the allocation.	KeRRA to Counties the Committee accepted This Proposal. (ii) The Committee resolved to allocate 10% to Counties and 4 % To Kura. KuRA will only maintain Trunk Roads in Major Towns. (iii) The Committee did not accept the slip of KWS funds, (iv) The Committee deleted the recurrent expenditure to the Ministry. (v) The Committee enhance the allocation to 49% made up of - 32% from KeRRA, 10% KURA 3% Recurrent and

NO.	CLAUSE	STAKEHOLDER	PROPOSED AMENDMENT	OBSERVATIONS																					
			(Disinserting 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 I 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." (g) inserting the following new subsections immediately after subsection (2)— "(3) The Cabinet Secretary shall utilise funds allocated under sub-paragraph (vii) to provide for equity in roads maintenance, road related emergencies, primary oversight and administration expenses.																						
10.	Comparison		<table><thead><tr><th></th><th><u>OLD</u></th><th><u>NEW</u></th></tr></thead><tbody><tr><td>(i) KeRRA (Constituency)</td><td>22</td><td>25</td></tr><tr><td>(ii) KeRRA (Link roads between Constituencie)</td><td>10</td><td>7</td></tr><tr><td>(iii)KeNHA</td><td>40</td><td>38</td></tr><tr><td>(iv) KURA</td><td>15</td><td>14</td></tr><tr><td>(v) KWS</td><td>1</td><td>1 to KWS and 1.5 Board recurrent</td></tr><tr><td>(vi) Board allocation.)</td><td></td><td>2 not deleted (Board has double</td></tr></tbody></table> <u>New.</u> Ministry..... 1.5 (Equity, emergencies, oversight, administrative) County----- 5		<u>OLD</u>	<u>NEW</u>	(i) KeRRA (Constituency)	22	25	(ii) KeRRA (Link roads between Constituencie)	10	7	(iii)KeNHA	40	38	(iv) KURA	15	14	(v) KWS	1	1 to KWS and 1.5 Board recurrent	(vi) Board allocation.)		2 not deleted (Board has double	
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11.	6- Consequenti al amendment to clause 6 of Cap 408 A	CRA	<u>Proposal.</u> (i) Paragraph (a) and (b) are administered by KeRRA merge the paragraphs and allocate & 7% . add the 25% allocation to counties.	<u>Overall, Committee Resolutions on allocations.</u> (i) On moving the Allocation to																					

NO.	CLAUSE	STAKEHOLDER	PROPOSED AMENDMENT	OBSERVATIONS
			administered by the Kenya Rural Roads Authority and that the said percentage 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; (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; (vi) a maximum of two percent of the allocated funds is allocated in respect of the recurrent expenditure of the Board under section <u>31(5)</u>; 32A. Power to borrow and set aside funds to secure repayments (1) The Board may, with the approval of the Cabinet Secretary and the Cabinet Secretary responsible for matters relating to finance, borrow such monies as may be required for the proper discharge of its functions under this Act. (2) The Board may, with the approval of the Cabinet Secretary and the Cabinet Secretary responsible for matters relating to finance, where it is necessary to meet financial demands for maintenance, development and rehabilitation of roads, set aside a portion of the Fund for purposes of securing additional funding.	
9.	PROPOSED Amendments on Clause 6		(a) deleting the words "twenty-two percent" appearing in sub-paragraph (i) and substituting therefor the words "twenty-five percent"; (b) deleting the words "ten percent" appearing in subparagraph (ii) and substituting therefor the words "seven percent"; (c) deleting the words "forty percent" appearing in sub-paragraph (iii) and substituting therefor the words "thirty-eight percent"; (d) deleting the words "fifteen percent" appearing in sub-paragraph (iv) and substituting therefor the words "fourteen percent"; (e) 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 <u>31(5)</u>;"	

NO.	CLAUSE	STAKEHOLDER	PROPOSED AMENDMENT	OBSERVATIONS
		Du	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.	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.
		EU	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.	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.
		The Committee will take into consideration the proposed classification while ensuring they reflect the mandates of each level of government.		
8.	Current provision under the Section 6 (KRB) Act which Clause 6 proposes to amend.		6(2) (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); (6)(2) (d) (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	

NO.	CLAUSE	STAKEHOLDER		PROPOSED AMENDMENT		OBSERVATIONS
				network between residential areas and estates or other defined zones.		
		Secondary National Trunk Roads (Collector Roads)	C	Ranked.		Roads linking major designated towns and forming a contiguous network with A and B roads
				Classified as A1, A2, and A3		Note: The Ministry classification for National Roads is continuous, doesn't have parts.
		PART B - COUNTY ROADS				
		County Roads	D	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 channeling local traffic from lower level roads to higher level roads and centers.		County Roads/ Local Roads. - Roads forming routes of moderate length, linking wards and other minor towns to the Sub-county towns or higher network. - These are inter-ward roads connecting several markets and/or sub-location centres with the main function of channeling local traffic from lower level roads to higher level roads and centers
			E	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.		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.

NO.	CLAUSE	STAKEHOLDER	PROPOSED AMENDMENT		OBSERVATIONS
				Spine roads serving the main residential areas or other defined zones.	serving the main residential areas or other defined zones.
		A3. RURAL ROADS			
		Secondary National Trunk Roads	C	Roads linking major designated towns and forming a continuous network with Class A and Class B roads.	Ranked at the end.
		Special Purpose Roads	SP	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.	Secondary National Trunk Roads SP- 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.
		Security Roads.	SR	Roads strategic to national security as identified by the Ministry responsible for Internal Security and communicated to the Minister from time to time.	These are intra-county roads strategic to national security and in insecurity prone Counties as identified by the Ministry responsible for Internal Security from time to time and under the management of the National Government Agencies as instructed by the Cabinet Secretary responsible for Roads from time to time.
		Last Mile City Road.	LM	Link roads providing last mile connections in cities by collecting substantial traffic from arterials and conveying the same to residential terminals so as to form a contiguous	N/A

NO.	CLAUSe	STAKEHOLDER	PROPOSED AMENDMENT	OBSERVATIONS
			international terminals such as international ports, airports	corridors recognised under the Trans-Africa Highway and East African Road Networks.
		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	Roads forming important 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.		
		National Trunk Roads (Urban Roads)	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 routes.
		CU	Major urban Collectors that provide the link between Arterials and Local roads, distributing traffic to residential and other defined zones, typically taking the form of radial roads between Arterials or	Major urban Collectors that provide the link between Arterials and Local roads, distributing traffic to residential and other defined zones, typically taking the form of radial roads between Arterials or Spine roads

NO.	CLAUSE	STAKEHOLDER	PROPOSED AMENDMENT	OBSERVATIONS
			national trunk roads and county roads — and gives the Cabinet Secretary the power to classify and reclassify any road in the country, provided there is consultation with county governments and a review every five years. Despite the fact that the Bill recognizes county roads as a distinct and separate category, which now aligns with the distribution of functions under the Fourth Schedule of the Constitution, there are several clauses that the Bill still places under national trunk roads which are in our considered view, functions that properly belong to counties under Part 2 of the Fourth Schedule.	
6.	Classification	Ministry of Roads		
7.				

Functionality	Class	Provisions in the Bill	Proposals by Ministry of Roads
A1. NATIONAL ROADS.			
Primary National Trunk Roads(Nation al Roads	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.	Highways connecting two cities, a city to a town or a town to another town and designed to carry safely large volumes of motor vehicle traffic at high speeds through the use of grade separation using interchanges, overpasses and underpasses and may be tolled.
	A	Roads and corridors connecting international boundaries and	Roads forming strategic routes and corridors, connecting international boundaries and international terminals such as international ports, airports including international

NO.	CLAUSE	STAKEHOLDER	PROPOSED AMENDMENT	OBSERVATIONS
			— for instance, the links between Nakuru and neighboring towns in the Rift Valley or between county headquarters across the former provinces. Rural roads are explicitly devolved; retaining them under national classification would not fully align with Article 186(2) and the principle of subsidiarity. (c) Urban collectors (Class Cu) and shopping/business streets (Class Du) should likewise be placed under county roads. These handle local traffic distribution and pedestrian access within towns and cities — core elements of county planning and land-use management. Examples include the collector streets in residential estates of Mombasa or the bustling shopping streets in our market centres and suburbs. (d) Security roads (Class SR) should remain national, but the word “rural” should be removed from their description so that there is no overlap with devolved functions while fully protecting national security interests under Articles 238 to 240 Constitution. Justification - According to the Kenya Roads Register 2024, counties are already responsible for 182,092 kilometers — that is 76.15% — of Kenya’s entire road network of 239,122 kilometers. This single fact makes the proper classification of roads one of the most critical parts of this Bill. - Clauses 2, 3 and 5 seek to do three things: they introduce new definitions for “national trunk roads” and “county roads”, they replace the old Section 47 of the principal Act, and they substitute an entirely new First Schedule. In simple terms, the Bill now divides all public roads into two categories —	

NO.	CLAUSE	STAKEHOLDER	PROPOSED AMENDMENT	OBSERVATIONS
				of administration and management.
3.	Responsibilities of the County Government		The Constitution recognizes two categories of Roads; National and County roads. The section provides for clarity on the mandate, roles and responsibilities of both levels of Government to provide for accountability. No proposal.	Noted.
4.	First Schedule		Amendment to the First Schedule and substitution thereof with the revised schedule. The revised schedule under the proposed classification will ensure that no road or part of the road network is left unattended. Further, the classification aligns with the regional and international protocols for classification of roads. We are however proposing further improvement on Under Secondary National Trunk Road C, to be defined as “Roads linking major designated towns and forming a contiguous network with A and B roads”	This proposal is already included in the amendment Bill.
5.	First Schedule- Classification of Road.	COG	Proposal (a) Minor urban arterials (Class Bu)- that serve central business districts and major towns should be reclassified as county roads. These are the roads that form part of internal urban circulation and local planning — functions assigned to counties under Article 184 and the Urban Areas and Cities Act. Examples include Tom Mboya Street or River Road in Nairobi CBD, the main avenues in Kisumu or Eldoret that handle daily local commerce and pedestrian traffic. (b) Secondary rural roads (Class C) linking major towns should be moved to the county roads category, with a revised description: “Roads linking county headquarters to each other, to cities and municipalities, and forming a continuous network with Classes A and B.” These are the roads Kenyans use every day to move produce to market or travel between county towns	The Committee accepted this proposal. There is need to align the First Schedule with the classification of functions under the Fourth Schedule of the Constitution.

STAKEHOLDER VIEWS THE ROADS ACT (AMENDMENT) BILL (NATIONAL ASSEMBLY BILL NO 34 OF 2025.

NO.	CLAUSE	STAKEHOLDER	PROPOSED AMENDMENT	OBSERVATIONS
1.	3-(2) Classification of Roads	Council of County Governors (COG)	<u>Proposal</u> Establish a joint intergovernmental mechanism for classification, reclassification and periodic review of roads, anchored in law and guided by Article 6(2) on consultation and cooperation. <u>Justification</u> The Cabinet Secretary is given power to classify and reclassify all roads, including county roads. This is inconsistent with Article 186 and the Fourth Schedule which assigns county roads exclusively to County Governments. Centralizes a devolved function.	The Committee resolved that Roads being a concurrent function there is need for concurrence on the classification of new roads or reclassified existing roads.
2.	Amendment of Section 47 of Cap 408 on classification of roads	Ministry of Roads.	Classification of roads is a function of the National Government under schedule IV of the Constitution. This function involves the determination of the basis, rationale, and technical approach for overall classification of roads in Kenya to align to regional and global frameworks, conventions and standards. The Kenya Roads Board has therefore undertaken comprehensive Roads Network Survey covering the entire Kenya road network.	The Committee did not agree with the proposal because under Paragraph 18 of the fourth schedule, the National government is mandated to develop standards for construction and maintenance of other roads and not to classify roads in terms

Appendix 3

Copy the Kenya Roads (Amendment) (No.3) Bill, 2025 (National Assembly Bills No.34 of 2025)



REPUBLIC OF KENYA

PARLIAMENT

NATIONAL ASSEMBLY BILLS

(Bill No. 34 of 2025)

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

(A Bill published in the Kenya Gazette Supplement No. 122 of 2025 and
passed by the National Assembly, with amendments, on 7th October, 2025)

N.A./B/No.34/2025

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—

Amendment of
section 2 of Cap.
408.

(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.

3. The principal Act is amended by deleting section
47 and substituting therefor the following new section—

Amendment of
section 47 of Cap.
408.

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.

(4) The Cabinet Secretary shall classify public roads in consultation with the relevant county government 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;

Cap. 403.

- (i) plan the development and maintenance of county roads;
- (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—

- (a) classification including the level of government responsible for its maintenance, rehabilitation and development; and
- (b) road code.

(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

Functionality	Class	Description
Primary National Trunk Roads (National Roads)	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

National Trunk Roads (Urban Roads)	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, towns or other defined zones.

A3. RURAL ROADS

Secondary C Roads linking major designated towns and forming a continuous network with Class A and Class B roads.

National Trunk Roads
Special SP 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.

Security Roads SR Roads strategic to national security as identified by the Ministry responsible for Internal Security and communicated to the Minister from time to time.

Last Mile City LM Roads Link roads providing last mile connections in cities by collecting substantial traffic from arterials and conveying the same to residential terminals so as to form a contiguous network between residential areas and estates or other defined zones.

PART B—CLASSIFICATION OF COUNTY ROADS

Functionality	Class	Description
County Roads	D	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.
	E	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.
- Du 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.
- Eu 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-five percent";
- (b) deleting the words "ten percent" appearing in sub-paragraph (ii) and substituting therefor the words "seven percent";
- (c) deleting the words "forty percent" appearing in sub-paragraph (iii) and substituting therefor the words "thirty-eight percent";
- (d) deleting the words "fifteen percent" appearing in sub-paragraph (iv) and substituting therefor the words "fourteen percent";
- (e) 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);"
- (f) 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."

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

"(3) The Cabinet Secretary shall utilise funds allocated under sub-paragraph (vii) to provide for equity in roads maintenance, road related emergencies, primary oversight and administration expenses.

(4) The Board shall not approve any disbursement of funds to a county government unless the county government has met the requirements set out in subsection (5) (a) and (b);

(5) 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.

(6) The Board shall—

- (a) specify the form and content of an annual road programme under subsection (5)(d); and
- (b) monitor and evaluate all works, goods and services financed by the Fund.

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

I certify that this printed impression is a true copy of the Bill passed by the National Assembly on the 7th October, 2025.


Clerk of the National Assembly

Endorsed for presentation to the Senate in accordance with the provisions of Standing Order 142 of the National Assembly Standing Orders.


Speaker of the National Assembly

Appendix 4

Advertisement published in the *Daily Nation* and *Star* newspapers of 27th November, 2025

Court to rule on Rex Masai registers

BY RICHARD MUNGUTI

A magistrate will, on January 29, 2026, determine whether to allow the police to keep two arms movement registers or if they will remain in the court's custody pending the outcome of an inquest into the killing of protester Rex Masai on June 20, 2024.

Milimani Senior Principal Magistrate Geoffrey Onarigo set the date after receiving submissions from the Law Society of Kenya (LSK) in support of the directive by the court for the registers be kept at the judiciary.

This followed an admission by the Central Police Station chief armorer Corporal Fredrick Okapesi that he made alterations in the two registers.

However, in a dramatic turn of events, the National Police Service filed an application seeking orders to permit the police to continue keeping the registers

to avoid interference with them.

However, the application elicited a clash between the office of the Director of Public Prosecution (DPP), the National Police Service, the LSK and the Independent Policing Oversight Authority.

The registers were handed over to the court on September 3 for safe custody at the Milimani Law Courts.

In his testimony, Mr Okapesi admitted that he made alterations on the record of the firearms issued to the police officers who were deployed to cover the June 18, 2024 and June 20, 2024 protests.

As a result of the admission, the DPP applied to have the two registers kept by the Judiciary, pending the determination of the inquest which is aimed at establishing the cause of death of Rex Masai — the first casualty of the protests which later claimed more lives.

Endorsement Infrastructure projects pricing framework ratified

New embassy to be set up in Vatican City

Cabinet also approves new embassies in Denmark and Vietnam

BY STEVE OTIENO

Kenya is set to establish a new embassy in Vatican City following a Cabinet approval yesterday evening.

This marks a major step in strengthening the country's engagement with the Holy See, and what the Cabinet described as "global, moral, and development diplomacy".

In a meeting at State House in Nairobi, the Cabinet said the new embassy will deepen Kenya's bilateral relations with the Vatican, enhance cooperation on peace-building, climate action, and humanitarian work, and expand engagement with the Vatican's vast network of faith-based institutions worldwide.

The Vatican City is the seat of the Roman Catholic Church. It plays a central role in international dialogue and development through its diplomatic, humanitarian, and interfaith influence.

The Cabinet noted that a resident mission in Vatican City will provide a vital platform for Kenya to leverage the Church's extensive social and development infrastructure, particularly in education, health, and poverty alleviation.

"The establishment of the embassy will strengthen our engagement with Catholic development agencies that run more than 7,000 schools and 500 health facilities across Kenya," read part of the Cabinet brief.

The decision also reflects Kenya's recognition of the Vatican's global leadership in promoting peace, social justice, and human rights, areas where the Catholic



President William Ruto.
DENNIS ONSONGO / NATION

AT A GLANCE

Church central partner globally

The Vatican City, home to the Holy See and the seat of the Roman Catholic Church, plays a central role in international dialogue and development through its diplomatic, humanitarian, and interfaith influence. The Cabinet noted that a resident mission will provide a vital platform for Kenya to leverage the Church's extensive social and development infrastructure, particularly in education and health.

Church has been an important partner in national development.

Alongside the Vatican mission, the Cabinet also approved the opening of two new embassies in Copenhagen, Denmark, and Hanoi, Vietnam. The move is part of a broader strategy to expand Kenya's diplomatic footprint and deepen trade, cultural, and development ties with key global partners.

The embassy in Copenhagen will strengthen Kenya's relationship with Denmark, one of its long-standing development allies, and open opportunities for increased cooperation in renewable energy, climate resilience, and technology transfer.

In Hanoi, the new embassy is expected to boost trade and investment links between Kenya and Vietnam, a rapidly growing Asian economy with significant experience in manufacturing, agriculture, and export diversification.

The Cabinet said the three new diplomatic missions form part of Kenya's continuing foreign policy realignment to ensure a stronger presence in regions critical to the country's economic and strategic interests.

At the same time, the Cabinet also approved a number of major domestic policy and development measures.

Among the key decisions was the endorsement of a Comprehensive Framework for Infrastructure Projects Pricing, designed to curb inflated costs, ensure transparency, and guarantee better value for money in public investments.

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REPUBLIC OF KENYA



THIRTEENTH PARLIAMENT | FOURTH SESSION
THE SENATE

INVITATION FOR SUBMISSION OF MEMORANDA

THE KENYA ROADS (AMENDMENT) (NO. 3) BILL, 2025 (NATIONAL ASSEMBLY BILLS NO. 34 OF 2025)

THE NATIONAL CONSTRUCTION AUTHORITY (AMENDMENT) BILL, 2025 (SENATE BILLS NO. 15 OF 2025)

The National Construction Authority (Amendment) Bill, 2025 (Senate Bills No. 15 of 2025) and the Kenya Roads (Amendment) (No. 3) Bill, 2025 (National Assembly Bills No. 34 of 2025) were read a First Time in the Senate on Tuesday, 28th October, 2025, and Wednesday, 29th October, 2025, respectively. The Bills were committed to the Standing Committee on Roads, Transportation and Housing for consideration.

The National Construction Authority (Amendment) Bill, 2025 (Senate Bills No. 15 of 2025) seeks to amend the National Construction Authority Act, Cap 116 of the Laws of Kenya in order to obligate the National Construction Authority to promote and enforce the use of environmentally sustainable construction materials, designs, standards and practices that enhance resilience against climate change risks.

The Kenya Roads (Amendment) (No. 3) Bill, 2025 (National Assembly Bills No. 34 of 2025) seeks to amend the Kenya Roads Act, Cap 408 of the Laws of Kenya in order to re-classify roads in Kenya and to provide for the responsibilities of county governments with regard to county roads. The Bill also seeks to amend the manner in which the Road Maintenance Levy is apportioned under the Kenya Roads Board Act, Cap 408 A of the Laws of Kenya.

The Committee is required, under standing order 145(5) of the Senate Standing Orders, to facilitate public participation on the Bills and to take into account the views and recommendations of the public when the Committee makes its report to the Senate.

In accordance with the provisions of Article 118(1)(b) of the Constitution and standing order 145(5) of the Senate Standing Orders, the Standing Committee on Roads, Transportation and Housing now invites interested members of the public to submit any representations that they may have on the Bills by way of written memoranda.

The memoranda may be submitted to the Clerk of the Senate, P.O. Box 41842-00100, Nairobi, hand-delivered to the Office of the Clerk of the Senate, Main Parliament Buildings, Nairobi or emailed to clerk.senate@parliament.go.ke and copied to publicparticipation@parliament.go.ke to be received on or before Thursday, 27th November, 2025 at 5.00 p.m.

The Bills and Digests that summarize the contents and context of the Bills may be accessed on the Parliament website at <http://www.parliament.go.ke/the-senate/house-business/bills>.

J. M. NYEGENYE, CBS,
CLERK OF THE SENATE.

REPUBLIC OF KENYA



PARLIAMENT

THIRTEENTH PARLIAMENT - (FOURTH SESSION)

SPECIAL SITTING OF PARLIAMENT (ADDRESS BY HIS EXCELLENCY THE PRESIDENT)

WHEREAS, Article 132 (1) (b) of the Constitution requires the President to address a Special Sitting of Parliament once every year;

AND WHEREAS, following a notification by His Excellency Hon. William Samoei Ruto, PhD., C.G.H., President of the Republic of Kenya and Commander-in-Chief of the Kenya Defence Forces, the Speaker of the National Assembly, and the Speaker of the Senate have convened a special sitting of the Houses of Parliament to be held on **Thursday, 20th November, 2025 commencing at 2.30 p.m.** for purposes of the President's address;

FURTHER WHEREAS, Standing Order 22(2) of the National Assembly Standing Orders and Standing Order 25(2) of the Senate Standing Orders require the Speakers of the Houses of Parliament to, respectively, notify Members of Parliament of the place, date, and time of a special sitting of the Houses of Parliament convened under Article 132(1) (b) of the Constitution;

NOW THEREFORE, Members of Parliament and the general public are hereby notified that a **Special Sitting of Parliament shall be held in the National Assembly Chamber, Main Parliament Building, Nairobi, on Thursday, 20th November, 2025 at 2.30 p.m.**

Rt. Hon. (Dr.) Moses Wetang'ula, EGH, MP
Speaker of the National Assembly

Rt. Hon. Amason Kingi, EGH, MP
Speaker of the Senate

11th November 2025

NEWS GENERAL

CROSSLEY HINDENWAY

Cancer patients want SHA cover raised to Sh1 million

Kenco claims the current Sh550k gets depleted within months

LUKE AWICH
@AchiaAwich

CANCER patients, survivors and caregivers have petitioned Parliament, demanding adjustment of the annual limit in the SHA cover.

They claim the medical scheme gets depleted within months.

Currently, cancer patients are covered to the tune of Sh550,000 per household per year down from the Sh600,000 which was offered under the defunct National Hospital Insurance Fund.

Appearing before the National Assembly's Health Committee, Kenya Network of Cancer Organisations (Kenco) said most families are forced to "suffer heavy burdens or abandon treatment midway."

The network represents 70 civil society groups and thousands of cancer patients including survivors and caregivers across the country.



Kenco national chairperson Philip Odiyo /HANDOUT

National chairperson Philip Odiyo said most of their members exhaust their benefits in less than six months.

A survey conducted by the organisation on 118 patients and caregivers says 60 per cent had exhausted their

SHA cover before the end of the year.

The study also revealed that 35.8 per cent exhaust their benefits in less than three months while another 34.3 per cent within three to six months.

"These findings confirm that the current oncology cover is grossly inadequate for the financial realities of cancer treatment and that SHA has not protected households from catastrophic health expenditure," Odiyo told MPs.

"This policy shift has left many cancer patients with no option but to pay out of pocket, seek communal contributions through harambees or abandon treatment altogether – with catastrophic health and financial consequences."

According to Kenco's study tabled before the committee, among those whose cover ran out, 38.5 per cent were able to pay out of pocket, 27.9 per cent could only pay partially. "A record 20.2 per cent could not pay

for treatment at all and 13.5 per cent were forced to abandon treatment completely," executive director Phoebe Ongadi said.

They are now calling on the government to raise the package to at least Sh1.2 million per year under SHA. "We urge the ministry of Health and SHA to increase the oncology benefit to at least Sh1.2 million per individual per year," Odiyo said.

The financial burden of treating cancer in Kenya has reached alarming levels, with Kenco estimating that families spend an average of Sh3.8 million a year to keep their loved ones alive.

The patients and caregivers umbrella body says the cost of chemotherapy, radiotherapy, surgery and follow-up medication has turned cancer into a medical and financial nightmare.

It said a woman diagnosed with triple-positive breast cancer and accessing services from a public health centre ends up paying in excess of Sh3.8 million. Kenco says a standard chemotherapy session costs Sh21,000 amounting to Sh168,000 for the recommended eight sessions while blood works cost Sh4,500 totaling to Sh36,000 for the eight cycles.

Imaging and diagnostic monitoring further raise the cost, including a CT scan (Sh20,000) echocardiograms every three months (Sh3,000) and a PET scan at Sh53,400.

The patient will also undergo targeted therapy. Herceptin alone costs Sh33,800 per cycle for 18 cycles (or more for some patients) amounting to Sh608,400.

"Kadcyla, often prescribed for maintenance or resistance cases, costs Sh180,000 per cycle for 114 cycles – a staggering Sh2.52 million," vice chairperson Prisca Githuka said.

According to Kenco's breakdown, hormonal therapy including Zoladex (Sh19,615 every three months indefinitely) and Letrozole (Sh5,000 for a three-month dose more than 10 years), all totaling to Sh100,000 in one year alone. The patient will also undergo Radiotherapy at an average of Sh3,600 per session for the recommended 30 sessions totaling to Sh108,000.

These, added to Sh120,000 for surgery and another CT scans of the chest and pelvis costing Sh8,000 and Sh12,000 would see a patient spending Sh3.8 million in a year.

(+) INSTANT ANALYSIS

Cancer is the third leading cause of death and a major public health concern. Many cases (70–80%) are diagnosed at late stages, often due to factors like late diagnosis, high costs, and inadequate diagnostic and treatment facilities, according to Countdown to 2034 Initiative.

COUNTY ASSEMBLY OF KITUI

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Clerk's Office,
Kitui County Assembly,
P.O. Box 694-90200,
Kitui, Kenya.

OFFICE OF THE CLERK

INVITATION TO TENDER

The County Assembly of Kitui invites sealed bids from eligible bidders for the advertised tenders for the financial years 2025/2026, 2026/2027 & 2027/2028.

Interested bidders may examine and obtain detailed tender list/documents free of charge from the Assembly website

kituiassembly.go.ke or public procurement information portal <https://tenders.go.ke/tenders> or IFMIS platform <https://supplier.treasury.go.ke/>

All tenders must fill, scan and submit duly serialized tender documents in PDF format electronically through the IFMIS supplier portal so as to be received on or before **28th November 2025 at 12.00 Noon**.

The system will automatically LOCK OUT at the time and date of the tender closing as indicated in the IFMIS PORTAL and the tenderers shall be opened electronically immediately after, in the presence of all bidders or their designated representatives who choose to attend, at the tent within the County Assembly Precincts.

Ag. CLERK OF ASSEMBLY
COUNTY ASSEMBLY OF KITUI.

REPUBLIC OF KENYA



THIRTEENTH PARLIAMENT | FOURTH SESSION THE SENATE

INVITATION FOR SUBMISSION OF MEMORANDA

THE KENYA ROADS (AMENDMENT) (NO. 3) BILL, 2025 (NATIONAL ASSEMBLY BILLS NO. 34 OF 2025)

THE NATIONAL CONSTRUCTION AUTHORITY (AMENDMENT) BILL, 2025 (SENATE BILLS NO. 15 OF 2025)

The National Construction Authority (Amendment) Bill, 2025 (Senate Bills No. 15 of 2025) and the Kenya Roads (Amendment) (No. 3) Bill, 2025 (National Assembly Bills No. 34 of 2025) were read a First Time in the Senate on Tuesday, 28th October, 2025, and Wednesday, 29th October, 2025, respectively. The Bills were committed to the Standing Committee on Roads, Transportation and Housing for consideration.

The National Construction Authority (Amendment) Bill, 2025 (Senate Bills No. 15 of 2025) seeks to amend the National Construction Authority Act, Cap 118 of the Laws of Kenya in order to obligate the National Construction Authority to promote and enforce the use of environmentally sustainable construction materials, designs, standards and practices that enhance resilience against climate change risks.

The Kenya Roads (Amendment) (No. 3) Bill, 2025 (National Assembly Bills No. 34 of 2025) seeks to amend the Kenya Roads Act, Cap 408 of the Laws of Kenya in order to re-classify roads in Kenya and to provide for the responsibilities of county governments with regard to county roads. The Bill also seeks to amend the manner in which the Road Maintenance Levy is apportioned under the Kenya Roads Board Act, Cap 408 A of the Laws of Kenya.

The Committee is required, under standing order 145(5) of the Senate Standing Orders, to facilitate public participation on the Bills and to take into account the views and recommendations of the public when the Committee makes its report to the Senate.

In accordance with the provisions of Article 118(1)(b) of the Constitution and standing order 145(5) of the Senate Standing Orders, the Standing Committee on Roads, Transportation and Housing now invites interested members of the public to submit any representations that they may have on the Bills by way of written memoranda.

The memoranda may be submitted to the Clerk of the Senate, P.O. Box 41842-00100, Nairobi, hand-delivered to the Office of the Clerk of the Senate, Main Parliament Buildings, Nairobi or emailed to clerk.senate@parliament.go.ke and copied to roads@transportandhousingcommittee.senate@parliament.go.ke to be received on or before Thursday, 27th November, 2025 at 5.00 p.m.

The Bills and Digests that summarize the contents and context of the Bills may be accessed on the Parliament website at <http://www.parliament.go.ke/the-senate/house-business/bills>.

J. M. NYGEGNYE, CBS,
CLERK OF THE SENATE.

Appendix 5

Matrix of the submissions received by the Committee on each Clause of the Bill and on general matters relating to the Bill

STAKEHOLDER VIEWS THE ROADS ACT (AMENDMENT) BILL (NATIONAL ASSEMBLY BILL NO 34 OF 2025.

NO.	CLAUSE	STAKEHOLDER	PROPOSED AMENDMENT	OBSERVATIONS
1.	3-(2) Classification of Roads	Council of County Governors (COG)	Proposal Establish a joint intergovernmental mechanism for classification, reclassification and periodic review of roads, anchored in law and guided by Article 6(2) on consultation and cooperation. Justification The Cabinet Secretary is given power to classify and reclassify all roads, including county roads. This is inconsistent with Article 186 and the Fourth Schedule which assigns county roads exclusively to County Governments. Centralizes a devolved function.	The Committee may consider this proposal Roads being a concurrent function there is need for concurrence on the classification of new roads or reclassified existing roads.
2.	Amendment of Section 47 of Cap 408 on classification of roads	Ministry of Roads.	Classification of roads is a function of the National Government under schedule IV of the Constitution. This function involves the determination of the basis, rationale, and technical approach for overall classification of roads in Kenya to align to regional and global frameworks, conventions and standards. The Kenya Roads Board has therefore undertaken comprehensive Roads Network Survey covering the entire Kenya road network.	Paragraph 18 of the fourth schedule. - The National government is mandated to develop standards for construction and maintenance of other roads by counties
3.	Responsibilities of the County Government		The Constitution recognizes two categories of Roads; National and County roads. The section provides for clarity on the mandate, roles and responsibilities of both levels of Government to provide for accountability. No proposal.	

NO.	CLAUSE	STAKEHOLDER	PROPOSED AMENDMENT	OBSERVATIONS
4.	First Schedule		Amendment to the First Schedule and substitution thereof with the revised schedule. The revised schedule under the proposed classification will ensure that no road or part of the road network is left unattended. Further, the classification aligns with the regional and international protocols for classification of roads. We are however proposing further improvement on Under Secondary National Trunk Road C, to be defined as “Roads linking major designated towns and forming a contiguous network with A and B roads”	Already included in the amendment.
5.	First Schedule- Classification of Road.	COG	<u>Proposal</u> (a) Minor urban arterials (Class Bu)- that serve central business districts and major towns should be reclassified as county roads. These are the roads that form part of internal urban circulation and local planning — functions assigned to counties under Article 184 and the Urban Areas and Cities Act. Examples include Tom Mboya Street or River Road in Nairobi CBD, the main avenues in Kisumu or Eldoret that handle daily local commerce and pedestrian traffic. (b) Secondary rural roads (Class C) linking major towns should be moved to the county roads category, with a revised description: “Roads linking county headquarters to each other, to cities and municipalities, and forming a continuous network with Classes A and B.” These are the roads Kenyans use every day to move produce to market or travel between county towns — for instance, the links between Nakuru and neighboring towns in the Rift Valley or between county headquarters across the former provinces. Rural roads are explicitly devolved; retaining them under national classification would not fully align with Article 186(2) and the principle of subsidiarity.	

NO.	CLAUSE	STAKEHOLDER	PROPOSED AMENDMENT	OBSERVATIONS
			(c) Urban collectors (Class Cu) and shopping/business streets (Class Du) should likewise be placed under county roads. These handle local traffic distribution and pedestrian access within towns and cities — core elements of county planning and land-use management. Examples include the collector streets in residential estates of Mombasa or the bustling shopping streets in our market centres and suburbs. (d) Security roads (Class SR) should remain national, but the word “rural” should be removed from their description so that there is no overlap with devolved functions while fully protecting national security interests under Articles 238 to 240 Constitution. <u>Justification</u> • According to the Kenya Roads Register 2024, counties are already responsible for 182,092 kilometers — that is 76.15% — of Kenya’s entire road network of 239,122 kilometers. This single fact makes the proper classification of roads one of the most critical parts of this Bill. • Clauses 2, 3 and 5 seek to do three things: they introduce new definitions for “national trunk roads” and “county roads”, they replace the old Section 47 of the principal Act, and they substitute an entirely new First Schedule. In simple terms, the Bill now divides all public roads into two categories — national trunk roads and county roads — and gives the Cabinet Secretary the power to classify and reclassify any road in the country, provided there is consultation with county governments and a review every five years. • Despite the fact that the Bill recognizes county roads as a distinct and separate category, which now aligns with the	

NO.	CLAUSE	STAKEHOLDER	PROPOSED AMENDMENT	OBSERVATIONS
			distribution of functions under the Fourth Schedule of the Constitution, there are several clauses that the Bill still places under national trunk roads which are in our considered view, functions that properly belong to counties under Part 2 of the Fourth Schedule.	
6.	Classification	Ministry of Roads		
7.		Functionality	Class	Provisions in the Bill
		A1. NATIONAL ROADS.		Proposals by Ministry of Roads
		Primary National Trunk Roads(National Roads	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
				Roads forming important national routes, linking County headquarters and Municipal

NO.	CLAUSE	STAKEHOLDER	PROPOSED AMENDMENT	OBSERVATIONS
			headquarters to the cities, to each other or to Class A roads and inter-county	headquarters to the cities, to each other or to Class A roads and inter-county.
	A2. URBAN ROADS.			
	National Trunk Roads (Urban Roads	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.	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 routes	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 Local 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.	Major urban Collectors that provide the link between Arterials and Local 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.

NO.	CLAUSE	STAKEHOLDER	PROPOSED AMENDMENT	OBSERVATIONS
		A3. RURAL ROADS		
		Secondary National Trunk Roads	C Roads linking major designated towns and forming a continuous network with Class A and Class B roads.	Ranked at the end.
		Special Purpose Roads	SP 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.	Secondary National Trunk Roads SP- 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.
		Security Roads.	SR Roads strategic to national security as identified by the Ministry responsible for Internal Security and communicated to the Minister from time to time.	These are intra-county roads strategic to national security and in insecurity prone Counties as identified by the Ministry responsible for Internal Security from time to time and under the management of the National Government Agencies as instructed by the Cabinet Secretary responsible for Roads from time to time.
		Last Mile City Road.	LM Link roads providing last mile connections in cities by collecting substantial traffic from arterials and conveying the same to residential terminals so as to form a contiguous network between residential areas and estates or other defined zones.	N/A

NO.	CLAUSE	STAKEHOLDER	PROPOSED AMENDMENT		OBSERVATIONS
		Secondary National Trunk Roads (Collector Roads)	C	Ranked.	Roads linking major designated towns and forming a contiguous network with A and B roads
				Classified as A1, A2, and A3	Note: The Ministry classification for National Roads is continuous, doesn't have parts.
		PART B - COUNTY ROADS			
		County Roads	D	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 channeling local traffic from lower level roads to higher level roads and centers.	County Roads/ Local Roads. - Roads forming routes of moderate length, linking wards and other minor towns to the Sub-county towns or higher network. - These are inter-ward roads connecting several markets and/or sub-location centres with the main function of channeling local traffic from lower level roads to higher level roads and centers
			E	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.	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.
			Du	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	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

NO.	CLAUSE	STAKEHOLDER	PROPOSED AMENDMENT		OBSERVATIONS
			catering to a high level of pedestrian access to commercial properties fronting directly on the street.		high level of pedestrian access to commercial properties fronting directly on the street.
		EU	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.	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.	
8.	Current provision under the Section 6 (KRB) Act which Clause 6 proposes to amend.	6(2) (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 <u>32A(2)</u>; (6)(2) (d) (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 percentage shall be equally distributed to the Constituencies where Kenya <u>Rural Roads Authority</u> 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;			

NO.	CLAUSE	STAKEHOLDER	PROPOSED AMENDMENT	OBSERVATIONS
			(iv) fifteen percent of the allocated funds is allocated in respect of the urban roads to be administered by the Urban Roads Authority; (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; (vi) a maximum of two percent of the allocated funds is allocated in respect of the recurrent expenditure of the Board under section <u>31(5)</u>; 32A. Power to borrow and set aside funds to secure repayments (1) The Board may, with the approval of the Cabinet Secretary and the Cabinet Secretary responsible for matters relating to finance, borrow such monies as may be required for the proper discharge of its functions under this Act. (2) The Board may, with the approval of the Cabinet Secretary and the Cabinet Secretary responsible for matters relating to finance, where it is necessary to meet financial demands for maintenance, development and rehabilitation of roads, set aside a portion of the Fund for purposes of securing additional funding.	(iv) fifteen percent of the allocated funds is allocated in respect of the urban roads to be administered by the Urban Roads Authority; (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; (vi) a maximum of two percent of the allocated funds is allocated in respect of the recurrent expenditure of the Board under section <u>31(5)</u>;
9.	PROPOSED Amendments on Clause 6		(a) deleting the words "twenty-two percent" appearing in sub-paragraph (i) and substituting therefor the words "twenty-five percent"; (b) deleting the words "ten percent" appearing in subparagraph (ii) and substituting therefor the words "seven percent"; (c) deleting the words "forty percent" appearing in sub-paragraph (iii) and substituting therefor the words "thirty-eight percent"; (d) deleting the words "fifteen percent" appearing in sub-paragraph (iv) and substituting therefor the words "fourteen percent"; (e) 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);" (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 I of the Fourth Schedule to the Constitution; and	

NO.	CLAUSE	STAKEHOLDER	PROPOSED AMENDMENT	OBSERVATIONS																					
			(viii) five percent of the allocated funds is allocated to county governments under Article 202(2) of the Constitution." (g) inserting the following new subsections immediately after subsection (2)— "(3) The Cabinet Secretary shall utilise funds allocated under sub-paragraph (vii) to provide for equity in roads maintenance, road related emergencies, primary oversight and administration expenses.																						
10.	Comparison		<table><tr><td></td><td><u>OLD</u></td><td><u>NEW</u></td></tr><tr><td>(i) KeRRA (Constituency)</td><td>22</td><td>25</td></tr><tr><td>(ii) KeRRA (Link roads between Constituency)</td><td>10</td><td>7</td></tr><tr><td>(iii) KeNHA</td><td>40</td><td>38</td></tr><tr><td>(iv) KURA</td><td>15</td><td>14</td></tr><tr><td>(v) KWS</td><td>1</td><td>1 to KWS and 1.5 Board recurrent</td></tr><tr><td>(vi) Board allocation.)</td><td></td><td>2 not deleted (Board has double</td></tr></table> <u>New.</u> Ministry..... administrative) County----- 5		<u>OLD</u>	<u>NEW</u>	(i) KeRRA (Constituency)	22	25	(ii) KeRRA (Link roads between Constituency)	10	7	(iii) KeNHA	40	38	(iv) KURA	15	14	(v) KWS	1	1 to KWS and 1.5 Board recurrent	(vi) Board allocation.)		2 not deleted (Board has double	
	<u>OLD</u>	<u>NEW</u>																							
(i) KeRRA (Constituency)	22	25																							
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(v) KWS	1	1 to KWS and 1.5 Board recurrent																							
(vi) Board allocation.)		2 not deleted (Board has double																							
11.	6- Consequential amendment to clause 6 of Cap 408 A	CRA	<u>Proposal.</u> (i) Paragraph (a) and (b) are administered by KeRRA merge the paragraphs and allocate & 7% . add the 25% allocation to counties. (ii) Amend the allocation on (d) to 10% from the proposed 14% for constituency maintenance by KURA (iii) Paragraph (e) (v) Allocation to kws should be split into two after the word and. Also the proposal seems to amend the current subparagraph (vi) on the allocation of the Board on																						

NO.	CLAUSE	STAKEHOLDER	PROPOSED AMENDMENT	OBSERVATIONS
			recurrent expenditure yet there is no proposal in the Bill to delete (vi) . This in effect creates two similar provisions with different allocation towards the same entity. Delete the current subparagraph (vi) and substitute it with new amendment of 1.5 allocation for recurrent expenditure. (iv)Delete (vii) for state department of roads recurrent expenditure. <u>Allocation for counties from 5% to 34.5 %. The addition is derived from deduction as shown above.</u> <u>Justification</u> <u>The basis of allocation is not clear.</u> For Equity and transparency & for prudent and responsible use of public resources in line with Article 201 of the constitution. Specific to the Commissions proposed increase of County allocations, it is important to note that the allocations which are RMLF proceeds are not part of the sharable revenue in context of Article 202. The RLMF is founded on Article 206 on other public funds and is therefore excluded from shareable revenue. Additionally, Counties have a wide road coverage (121, 820 kms) compared to national government's 44, 629 Kms hence the need to increase the allocation.	
		CRA	(i) (g) delete the provision to CS for road related emergencies. <u>Justification.</u> The provision is open to abuse because can be catered for under the allocation to specific entities.	

NO.	CLAUSE	STAKEHOLDER	PROPOSED AMENDMENT	OBSERVATIONS
12.	Section 6(2) - Financial Allocation to Counties	COG	<u>Proposal</u> Only 5% of the Road Maintenance Levy Fund is allocated to County Governments Increase the allocation to County Governments to not less than 42 % of total fuel levy collections for the preceding financial year, in line with Article 202 and Article 203 of the Constitution. • Further based on the Council According to RICS and Kenya Roads Register 2024, counties manage approximately 182,832 km (76.5%) of the road network, while National Government manages about 56,290 km (23.5%). The 5% allocation is inequitable and contradicts the principle that resources must follow functions and the constitutional minimum of 15% share of national revenue to counties. • Further based on the Council recommendations on the classification of the roads, the Counties will manage all the roads currently under KeRRA, KURA and Constituency maintenance.	Resources should follow functions.
13.	Section 6(2)(d)(v) - Roads in National Parks & Reserves	COG	<u>Proposal</u> 1% of funds is allocated exclusively to the Kenya Wildlife Service (KWS) for roads in parks and reserves. Replace KWS-only allocation with: "A joint allocation framework for park roads administered by KWS and the respective County Governments hosting national parks and reserves under Article 187 of the Constitution." <u>Justification.</u>	

NO.	CLAUSE	STAKEHOLDER	PROPOSED AMENDMENT			OBSERVATIONS
14.	6- Consequential amendment to clause 6 of Cap 408 A	Ministry of Roads.	Counties such as Narok and Kajiado among others play a major role in developing and maintaining access and supporting infrastructure to and within parks. Exclusive allocation to KWS is inconsistent with Article 187 and the principle that resources should follow functions.			
			No	Agency	Proposal %	Justification
			1.	KeNHA	36	Based on actual allocations in 2025
			2.	KeRRA	26	- County Road Network is predominately drawn from former roads under KeRRA - KeRRA network reduced from 121,000 to 29,000kms.
			3.	KURA	11	KURA also lost a small part of its network to counties in form of urban county roads
			4.	Counties	15	Length of the road network, traffic levels as a proportion of total traffic, class of county roads all weighted informed the proposed allocation.
			5.	KWS	1	Based on allocation in 2025
			6.	National Emergency fund/Disaster contingency fund.	8	Based on allocation in 2025
			7.	KRB	1.5	Based on allocation in 2025
				Total	98.5	There is a balance 1.5%

NO.	CLAUSE	STAKEHOLDER	PROPOSED AMENDMENT	OBSERVATIONS
			Justification - The Kenya Roads Board is the implementer agency for the Kenya Roads Board Act while the Kenya Roads Act is implemented by the three roads implementing agencies, KENHA, KeRRA and KURA. The Ministry on the other hand is overall in charge of standards of the construction and maintenance of road network in Kenya for both levels of Government. - The proposed law will need to be cognisant of the development and maintenance needs of the road network and the need to consolidate the gains made over the years. Recommendations are premised on the following principles; - Appreciation of the interdependencies of all parts of the network hence the need to provide support to county roads; - Consideration of the specific functions and the needs of the roads in the network in the classification and allocation of funds; - The need to ensure asset preservation through objective allocation of maintenance funds; - The sustainability of both development and maintenance initiatives for the country's network; and - The safeguarding of public interest through sufficient oversight and enforcement of standards. The funding allocation criteria is guided by the following principles; Length of Road; This considered a ratio based on road asset value for paved and unpaved roads and the road asset value thereto;	

NO.	CLAUSE	STAKEHOLDER	PROPOSED AMENDMENT	OBSERVATIONS
			• Traffic levels; This incorporated traffic volumes per km for the respective road; • Road condition survey; This was geared to asset value preservation and ensure that investments in the road network are not eroded in the network under consideration. • Road network type: This considered the criticality of the road link to ensure regional and national connectivity, equity and inclusiveness.	
15.	6(7)- Objects and purpose of the Board	CRA	The Board may take other remedial , supplementary or alternative measures to ensure compliance with the conditions under the act or written law. Specify the measures for transparency and equity.	Policy issue the committee may make a resolution. Though its open to abuse.
16.	New Clauses-Section 7 - Membership of Kenya Roads Board (KRB)	COG	<u>Proposal</u> Amend Section 7 to replace the two PS positions with two (2) representatives of the Council of Governors nominated by the CoG to represent County Governments on the Board. <u>Justification</u> The Act was enacted before the 2010 Constitution and does not reflect the devolved governance structure. Counties have direct constitutional responsibility over County Roads (Fourth Schedule). No formal representation of County Governments in the Board. Current representation includes PS for local authorities and PS for regional cooperation.	The Committee may consider the Proposal since Roads function is a concurrent function.
17.	Section 17 and 17A - Constituency		<u>Proposal.</u> Delete Section 17 and 17A of the roads committee <u>Justification.</u>	

NO.	CLAUSE	STAKEHOLDER	PROPOSED AMENDMENT	OBSERVATIONS
	Roads Committee		- Section 17 and 17A creates an unconstitutional and illegal entity to maintain roads already classified under County Governments and also undertake procurement of roads contrary to the Public Procurement and Disposal Act 2015. - The Constitution only provided for two classes of roads. National Trunk Roads and County Roads. Constituency roads do not exist in the current constitutional framework and therefore introducing the undermines of the Constitution	
18.	General - Alignment with Devolution		<u>Proposal</u> Amend the Bill to clearly recognize and safeguard County Roads as a devolved function under the Fourth Schedule and avoid reclassification of County Roads as National Roads. <u>Justification</u> The Bill only partially aligns with the Constitution and in some instances reclassifies County Roads as National Roads. Undermines the spirit and letter of devolution and county autonomy as entrenched in Articles 6(2), 174, 175 and 187 of the Constitution. Fails to respect the distinct but interdependent relationship between the two levels of government.	
19.	General Comments	CRA	There is need to enact a comprehensive roads legislation within 3 years to consolidate numerous piecemeal legislations on roads. Within the context of this legislations, classification of roads to be into two categories namely national roads and county roads in line with the 4th	

NO.	CLAUSE	STAKEHOLDER	PROPOSED AMENDMENT	OBSERVATIONS
			Schedule of the constitution. Further entities like KURA and KeRRa should be phased out in such a law. • There is need to progressively increase the percentage of funds allocated to the county government for roads on the basis that the counties have a wider road coverage compared to the National government as it has been illustrated. • The Road Maintenance Levy Fund proceeds are collected across the country and hence distribution of the proceeds should reflect that position in terms of equality.	
20.	General Comments.	COG	1. That the Roads Maintenance Levy Fund Act, Cap. 427, under the long title provides that the purpose of the Act is to provide for the imposition of a road maintenance levy on petroleum fuels and for the establishment and administration of a Road Maintenance Levy Fund. 2. Further, Section 7 of the Act requires that monies accruing to the Fund from the levy and transit tolls be paid into two special accounts established by the Kenya Roads Board: a general account and a local authority account (now to be read as the county government account). This structure demonstrates that it was the original intention of the Act to cater for the maintenance of roads at both levels of government, including what are now county roads. Therefore, any position to exclude counties from the RMLF cannot be justified, as it contradicts the very purpose for which the Fund exists. 3. When we delve deeper into the Act, under Section 7(3A), we note that the monies accruing to the Fund from the levy are required to be paid into these accounts in proportions that reflect objective estimates of annual road maintenance costs—proportions that, in the context of devolution, must now account for the fact that	

NO.	CLAUSE	STAKEHOLDER	PROPOSED AMENDMENT	OBSERVATIONS
			counties manage 76.15% of Kenya's 239,122 km road network. This calls for a clear separation of funds for national and county roads, leaving no ambiguity in equitable allocation, as the spirit of the sharing is based on objective estimates of maintenance costs for unclassified roads reduced by local expenditures. 4. The Council notes that the journey to this Bill has involved sustained efforts to align the roads sector with our devolved system of government. The Kenya Roads Act (Cap 408) was enacted in 2007, before the 2010 Constitution, and established the current national road agencies — the Kenya National Highways Authority (KeNHA), the Kenya Urban Roads Authority (KURA) and the Kenya Rural Roads Authority (KeRRA). 5. Post-2010, the Constitution introduced two distinct but interdependent levels of government. When one examines the distribution of functions under Parts 1 and 2 of the Fourth Schedule, national trunk roads are assigned to the national government, while county roads are an exclusive responsibility of county governments. Worth noting however is the fact that in the strict interpretation of the Constitution, there are County trunk roads like the health sector where we have National Referral Hospitals and County Referral Hospitals. 6. In recent years, however, this constitutional clarity has been undermined. Through decisions of the National Assembly on 28th September 2023 and 13th August 2024, counties were excluded from direct allocation of the Road Maintenance Levy Fund (RMLF) the dedicated levy paid by every motorist on every litre of fuel. In response,	

NO.	CLAUSE	STAKEHOLDER	PROPOSED AMENDMENT	OBSERVATIONS
			the Council of Governors, acting as the 5th Petitioner together with other concerned Kenyans, approached the High Court in Constitutional Petition E423 of 2024. 7. On 5 June 2025, Justice Lawrence Mugambi delivered a landmark judgment declaring the existing road classification under Section 47 and the exclusion of counties from the RMLF under Section 6 of the Kenya Roads Board Act unconstitutional. The Court of Appeal subsequently granted a 12-month stay of those declarations (until July 2026) to avoid disruption, thereby giving Parliament the necessary window to legislate the required corrections. I believe this Bill is Parliament's direct response to that judicial directive. 8. The Council further notes that there is an existing challenge of policy inconsistency. As far back as 2013, the Presidential Taskforce on Parastatal Reforms — the Hon. Mohamed Abdikadir Report — had already recommended the dissolution of KeRRA and KURA precisely because rural and urban roads are devolved functions under the Fourth Schedule. More recently, on 21 January 2025, Cabinet approved reforms proposing the merger of these two agencies to eliminate duplication. The Council notes that it is important that Government policy remain consistent. We cannot, on the one hand, decide to dissolve or merge these agencies because they perform devolved functions, and on the other hand continue to channel billions of shillings to them to perform the very same functions at the expense of the County Governments. The restructuring of these agencies should be matched by legislation that properly assigns both the functions and the resources to the correct level of government.	

NO.	CLAUSE	STAKEHOLDER	PROPOSED AMENDMENT	OBSERVATIONS
			9. The Senate, under Article 96 of the Constitution, has the special mandate to represent and protect the interests of county governments and therefore the Council respectfully urges the senate to consider the issues raised by the Council.	

Appendix 6

Copies of stakeholder submissions on the Bill



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

A. Introduction

This Bill seeks to amend the Kenya Roads Act by providing for classification of national and county roads. Additionally, it has consequential amendments to section 6(2)(d) of the Kenya Roads Board Act on allocation of funds in respect to road maintenance as follows-

B. Clause by Clause Analysis

The following issues are noted on review of the Bill-

Serial No.	Clause	Issue & Recommendation	Justification for CRA's Position
1.	Clause 6 Consequential amendments to section 6 of Cap. 408A	6. Section 6(2) of the Kenya Roads Board Act. is amended in paragraph (d) by- (a) deleting the words "twenty-two percent" appearing in sub-paragraph (i) and substituting therefor the words "twenty-five percent"; (b) deleting the words "ten percent" appearing in sub-paragraph (ii) and substituting therefor the words "seven percent"; Instead merge (a) and (b) and allocate seven percent (c) deleting the words "forty percent" appearing in sub-paragraph (iii) and substituting therefor the words "thirty-eight percent";	For equity, transparency & for prudent and responsible use of public resources in line with Article 201 of the Constitution. Specific to the Commission's proposed increase of county road allocations, it is important to note that the allocations which are RMLF proceeds are not part of shareable revenue in the context of Article 202. The RMLF is founded on Article 206 on other public funds and is therefore excluded from the shareable revenue. Additionally, counties have a wide road coverage (121,820 Kms) compared to national government's 44,629 Kms



(o.) deleting the words "five or more" appearing in sub-paragraph (iv) and substituting therefor the words "fourteen or more";

(c) deleting sub-paragraph (v) and substituting therefor the following new sub-paragraph 5-

(iv) 60 per cent 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 per cent of the allocated funds is allocated in respect of the recurrent expenditure of the road under section 10(5);"

(C) inserting the following, new sub-paragraphs immediately after sub-paragraph (C):

(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 freedoms stipulated under paragraph 18 of Part 1 of the Fourth Schedule to the Constitution; and

coverage, hence need to increase their allocation.



	(viii) five percent of the allocated funds is allocated to county governments under Article 202(2) of the Constitution	
	Issues/Recommendations: i. Generally, the basis of the varied allocations is unclear. ii. Paragraphs (a) and (b) are administered by Kerra. Merge paragraphs (a) and (b) and allocate 7% for their functions under the two paragraphs. Add the 25% allocation from paragraph (a) to counties under sub-paragraph (viii). iii. Amend the allocation of (d) to 10% from the proposed 14% by substituting the phrase "<i>fourteen percent</i>" with "<i>ten percent</i>" for constituency roads maintenance by KURA. iv. Sub paragraph (e)(v) on the KWS allocation should be split into two after the word "<i>and</i>". Further, the proposal seems to be an amendment to the current sub-paragraph (vi) on the allocation for the Board recurrent expenditure yet there is no proposal in the Bill to delete (vi). This in effect creates two similar provisions with different allocations towards the same entity. Delete the current sub paragraph (vi) and substitute its content with the new amendment of	



		1.5 % allocation for recurrent expenditure. Delete sub paragraph (vi) where the state department for roads is proposed to receive 1.5 % to execute their functions.	
		vi. Under sub paragraph (viii), substitute the phrase "five percent" on the county allocation with "thirty four and a half percent" this figure is derived from the reduction amount proposed in the foregoing.	
		Provides under paragraph (1) as follows: (1) inserting the following new subsections immediately after subsection (2)- (2) "The Cabinet Secretary shall utilize funds allocated under sub-paragraph (vi) to provide for equity in roads maintenance, road related emergencies, primary oversight and administration expenses. Recommendation: Delete	Based on the proposal to delete sub paragraph (vi). In any case, the provision is open ended and open to abuse as it is couched in general terms. In an event of any "road related emergencies", the relevant road agency/authority should cater for it within their respective allocations.



	Provides under sub clause (7) <i>(7) The Board may take such remedial, supplementary or alternative measures to ensure compliance with the conditions under this Act or any other written law."</i>	For transparency and equity
	Recommendation: specify the phrase "such remedial, supplementary or alternative measures"	

General Comments:

1. There is need for the enactment in the next three years of a comprehensive road legislation to consolidate the numerous piecemeal legislations on roads. Within the context of this legislation, classification of roads to be in two categories namely national roads and county roads in line with the Fourth Schedule to the Constitution. Further, entities such as KURA and KEREA should be phased out in such a law.
2. There is need to progressively increase the percentage of funds allocated to the county governments for roads on the basis that the counties have a wider road coverage compared to the national government as illustrated above.
3. Road Maintenance Levy Fund proceeds are collected across the country and hence distribution of the proceeds should reflect that position in terms of equity.

PUBLIC PARTICIPATION MEMORANDUM

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

Proposal to Establish County Roads Service Agencies as Semi-Autonomous County Road Institutions

Submitted by:	Eng. Butichi R. Khamisi
Subject:	Public participation comments and proposed amendments
Bill:	The Kenya Roads (Amendment) (No. 3) Bill, 2025
Date:	May 2026

Core Position

The Bill should be strengthened to allow counties, individually or jointly, to establish semi-autonomous County Roads Service Agencies responsible for planning, developing, maintaining and managing county roads. These agencies should operate on a ring-fenced funding model similar to county water service providers, while remaining accountable to county governments, national road standards, Kenya Roads Board funding conditions and professional engineering regulation.

1. Background and Context

The Kenya Roads (Amendment) (No. 3) Bill, 2025 proposes to clarify road classification, assign responsibilities for county roads, require road signage, replace the First Schedule on road classification, and amend the Kenya Roads Board Act on allocation and accountability for road funds. The Bill is timely because it seeks to address the persistent challenge of fragmented road classification, unclear responsibility and weak accountability in the management of county road networks.

The Bill already recognizes that county governments shall maintain, rehabilitate and develop county roads; manage road reserves; implement road policies for county roads; ensure quality in accordance with national standards; oversee traffic management and road safety; collect road data; prepare county road investment programmes and annual road works programmes; and coordinate with road authorities and agencies. These obligations require a permanent, technically competent and professionally accountable institutional framework.

This memorandum supports the Bill but proposes that the county roads function should be implemented through semi-autonomous County Roads Service Agencies or County Roads Service Providers. The model will protect road funds, improve technical accountability, professionalize county road delivery, and support inter-county road connectivity as a strategic economic asset.

2. Summary of the Proposed Position

- County road networks should not be managed only as isolated county assets; they form part of a wider regional and national mobility system that enables trade, access to markets, agricultural production, health, education, security and tourism.
- Counties should be empowered to establish semi-autonomous County Roads Service Agencies, comparable in principle to Water Service Providers in the water sector, to provide a professional, ring-fenced and performance-based road management framework.
- Road funds allocated to counties should be deposited into ring-fenced accounts and applied strictly to approved road programmes, maintenance, rehabilitation, development, emergency works, road safety and technical audits.
- County Roads Service Agencies should be required to comply with national road standards, Kenya Roads Board conditions, Cabinet Secretary guidelines, and professional engineering requirements, including involvement of qualified and registered engineers in planning, design, supervision, certification and audits.
- Neighbouring counties should be allowed and encouraged to form joint or regional working committees for inter-county corridors, border roads, economic corridors, agricultural corridors, tourism circuits and urban metropolitan road networks.

3. Justification for Semi-Autonomous County Roads Service Agencies

Issue	Why It Matters	Proposed Position
Ring-fencing of road funds	Road funds should be protected from diversion and applied only to road purposes. A dedicated agency with a special purpose account improves financial discipline, traceability, auditability and accountability.	Support inclusion in the Bill through enabling provisions for county or joint county roads service agencies.
Professional and technical continuity	County road works require continuous planning, road inventory management, design review, procurement support, supervision, materials testing, maintenance programming and road safety management. A semi-autonomous technical agency provides institutional memory beyond political and administrative changes.	Support inclusion in the Bill through enabling provisions for county or joint county roads service agencies.
Holistic inter-county connectivity	County boundaries should not become barriers to transport planning. Inter-county roads support trade, agricultural value chains, access to services, security and labour mobility. Joint planning across counties will support balanced regional economic growth.	Support inclusion in the Bill through enabling provisions for county or joint county roads service agencies.
Uniform standards and quality assurance	County roads should comply with national technical standards on design, drainage, pavements, materials, signage, road reserves, non-motorized transport and safety. An agency model makes compliance easier to monitor and enforce.	Support inclusion in the Bill through enabling provisions for county or joint county roads service agencies.
Performance-based management	Agencies can be given measurable targets such as kilometres maintained, road	Support inclusion in the Bill through enabling provisions for county or joint county roads

Issue	Why It Matters	Proposed Position
	condition improvements, response time to emergencies, blackspot treatment, drainage functionality and value-for-money indicators.	service agencies.
Protection of public safety	Roads are public safety assets. Weak supervision, poor materials, inadequate drainage and poor signage expose the public to accidents, flooding and high vehicle operating costs. Professional agencies can strengthen public safety.	Support inclusion in the Bill through enabling provisions for county or joint county roads service agencies.
Support for engineers and local capacity	The model creates structured professional roles for engineers, technologists, technicians, inspectors, material testers, road safety auditors and maintenance planners without displacing existing county authority.	Support inclusion in the Bill through enabling provisions for county or joint county roads service agencies.

4. Proposed Institutional Model

The proposed County Roads Service Agency model should be enabling rather than mandatory at the first instance. Counties shall establish such agencies individually, jointly with neighbouring counties, or within metropolitan/economic blocs. The agencies should operate under county legislation but within the national road-sector standards issued by the Cabinet Secretary and oversight conditions set by the Kenya Roads Board.

Element	Recommended Structure
Legal form	A county corporation, county agency, joint county agency or inter-county roads service provider established by county legislation or intergovernmental agreement.
Ownership and accountability	Owned or controlled by the county government or participating counties; accountable to County Assemblies, County Executive Committees, Kenya Roads Board funding conditions and applicable national standards.
Mandate	Planning, road inventory, maintenance programming, design management, procurement

Element	Recommended Structure
	support, supervision, quality assurance, road reserve management, road safety, drainage management, emergency response and reporting.
Funding	Ring-fenced road funds from Kenya Roads Board allocations, county budgets, conditional grants, development partner funds, approved road reserve charges, public-private partnerships and other lawful sources.
Technical staffing	Headed by a qualified roads/civil engineer and supported by registered engineers, technologists, technicians, surveyors, materials personnel, GIS/data officers, procurement and finance officers.
Professional safeguards	Designs, supervision reports, completion certificates, quality assurance reports and technical audits to be signed by qualified and registered professionals in accordance with engineering law.
Performance accountability	Annual road programmes, quarterly progress reports, condition surveys, published project lists, procurement reports, audit reports and service delivery indicators.

5. Proposed Public Participation Comments on the Bill

Bill Area	Recommendation	Reason	Nature of Position
County road responsibilities under new section 47A	I Support the assignment of county road responsibilities, but require counties to discharge the function through technically competent semi-autonomous County Roads Service Agencies.	This protects the devolved function while ensuring professional execution.	I Support with the improvement
Quality standards under section 47A(e)	Insert a requirement that county road works be planned, designed, supervised, tested and certified by qualified engineering professionals in accordance with national standards.	This improves safety, quality and value for money without undermining counties.	I Support with improvement
Annual county road works programmes	Require annual road programmes to be prepared from road inventories, condition surveys, traffic data, maintenance priorities and inter-county connectivity needs.	This reduces political selection of roads and improves economic planning.	I Support with improvement
Funding to county governments under section 6 amendments	Make disbursement conditional on ring-fenced road accounts, approved annual road programmes, compliance with standards, and functional a County Roads Service Agency.	This protects funds and improves delivery.	I Support with improvement
Inter-county road corridors	Provide for joint county roads cooperation or intergovernmental road corridor boards where roads serve more than one county.	This promotes regional economic growth and avoids fragmented maintenance.	I Support with improvement

Bill Area	Recommendation	Reason	Nature of Position
Kenya Roads Board oversight	Empower the Board to monitor county roads agencies, evaluate outputs, require technical audits and take corrective measures where funds or standards are breached.	This aligns funding with measurable results.	I Support with improvement
Road reserve management	Require access approvals, wayleaves, utilities, roadside developments and encroachment control to be handled through technical procedures and road safety approvals.	This protects road reserves and future expansion needs.	I Support with improvement

6. Suggested Draft Amendment Text

The following text is proposed for consideration by the relevant Committee. It is framed as an enabling provision so that counties retain flexibility while the road sector benefits from professional, ring-fenced and accountable institutional arrangements.

Proposed new subsection under section 47A

A county government SHALL, for the effective discharge of its functions under this section, establish a County Roads Service Agency as a semi-autonomous county entity responsible for the planning, maintenance, rehabilitation, development, management and monitoring of county roads within the county, subject to national standards and guidelines issued under this Act and any other written law.

Proposed joint county agency provision

Two or more county governments may, by agreement and in accordance with the law on intergovernmental relations, establish a department within County Roads Service Agency for the planning, maintenance, rehabilitation, development and management of inter-county roads, regional economic corridors, metropolitan roads, border roads, agricultural corridors or any road network serving more than one county.

Proposed ring-fenced funding provision

Funds allocated or appropriated for county roads shall be ring-fenced and applied only for approved county road programmes, including planning, design, maintenance, rehabilitation, development, road safety, drainage, road reserve management, emergency works, quality assurance, technical audits and monitoring and evaluation.

Proposed professional standards provision

A county government or County Roads Service Agency shall ensure that the planning, design, supervision, materials testing, certification and technical audit of road works are undertaken by qualified professionals in accordance with national

standards, applicable engineering laws and guidelines issued under this Act.

Proposed inter-county connectivity provision

In preparing annual road programmes, a county government or County Roads Service Agency shall take into account inter-county connectivity, access to markets and public services, regional economic growth, road safety, climate resilience, public transport, non-motorized transport and integration with national trunk roads.

7. Proposed Final Submission Statement

I support the general objectives of the Kenya Roads (Amendment) (No. 3) Bill, 2025. The Bill is progressive in clarifying road classification, county road responsibilities, road signage, national standards, planning and funding accountability. However, the Bill should be strengthened to provide a practical institutional mechanism through which counties can professionally discharge the road function.

I propose that counties be expressly empowered to form semi-autonomous County Roads Service Agencies, individually or jointly with neighbouring counties. These agencies should operate in a manner comparable to water service providers in the county water sector, with ring-fenced funds, technical management, professional staffing, annual programmes, performance targets and clear accountability. This model will protect road funds, improve quality, create continuity in road maintenance and ensure that county roads are managed as strategic economic assets rather than fragmented local projects.

Road connectivity between counties is critical to national cohesion, trade, agricultural value chains, tourism, access to health and education, security and overall economic growth. It is therefore necessary for the Bill to encourage holistic planning of inter-county road corridors, common standards, joint maintenance programmes and shared road data. Where a road serves more than one county, the law should allow counties to establish joint roads agencies or corridor management arrangements to avoid fragmented standards and uneven maintenance.

The proposal will not undermine county governments or engineers. On the contrary, it will strengthen devolution by giving counties professional delivery institutions, protecting funds for road works, creating clear accountability and ensuring that engineering decisions are made by qualified professionals. It will also support employment and professional growth for engineers, technologists, technicians, materials testers, road safety auditors, planners and inspectors within the county road sector.

I therefore recommend that the Bill be amended to provide for County Roads Service Agencies, joint inter-county roads agencies, ring-fenced road funds, mandatory compliance with national technical standards and professional certification of road planning, design, supervision, quality assurance and technical audits.

8. Closing Recommendation

The Committee should adopt the proposed institutional model as an enabling framework. Counties that already have adequate technical departments may continue using them, while counties that require stronger delivery capacity may establish semi-autonomous agencies. Counties sharing strategic corridors should be encouraged to form joint agencies. Kenya Roads Board should retain funding oversight, while the Cabinet Secretary should issue national standards and guidelines. This will create a balanced system that respects devolution, protects public funds, strengthens engineering professionalism and improves road connectivity for economic growth.

Submitted by: Eng. Butichi R. Khamisi,
Registered Consulting Engineer, (Engineers Board of Kenya, E441)
Corporate Member, Institution of Engineers of Kenya, M.3604

Signature: 

Date: 18th May 2026



48 Governments 1 Nation

MEMORANDUM ON THE KENYA ROADS (AMENDMENT) BILL, 2025 TO THE SENATE FROM

THE COUNCIL OF COUNTY GOVERNMENTS

THE Council of County Governments,

In recognition of the fact that the sovereign power of the state is exercised at the two levels of government, that is, the National Government and County Government, whose distinctness is recognized by Article 6(2).

Aware of the need for coordinated action between the National and County Governments to ensure that this legislation properly responds to the key issues facing the sector and further reflects the spirit and purpose of the devolution process.

The Council SUBMITS as follows.

1. That the Roads Maintenance Levy Fund Act, Cap. 427, under the long title provides that the purpose of the Act is to provide for the **imposition of a road maintenance levy** on petroleum fuels and for the **establishment and administration** of a Road Maintenance Levy Fund.
2. Further, Section 7 of the Act requires that monies accruing to the Fund from the levy and transit tolls be paid into two special accounts established by the Kenya Roads Board: a **general account** and a **local authority account** (now to be read as the county government account). This structure demonstrates that it was the original intention of the Act to cater for the maintenance of roads at both levels of government, including what are now county roads. Therefore, any position to exclude counties from the RMLF cannot be justified, as it contradicts the very purpose for which the Fund exists.
3. When we delve deeper into the Act, under Section 7(3A), we note that the monies accruing to the Fund from the levy are required to be paid into these accounts in proportions that reflect objective estimates of annual road maintenance

costs—proportions that, in the context of devolution, must now account for the fact that counties manage **76.15% of Kenya's 239,122 km** road network. This calls for a clear separation of funds for national and county roads, leaving no ambiguity in equitable allocation, as the spirit of the sharing is based on objective estimates of maintenance costs for unclassified roads reduced by local expenditures.

4. The Council notes that the journey to this Bill has involved sustained efforts to align the roads sector with our devolved system of government. The Kenya Roads Act (Cap 408) was enacted in 2007, before the 2010 Constitution, and established the current national road agencies — the Kenya National Highways Authority (KeNHA), the Kenya Urban Roads Authority (KURA) and the Kenya Rural Roads Authority (KeRRA).
5. Post-2010, the Constitution introduced two distinct but interdependent levels of government. When one examines the distribution of functions under Parts 1 and 2 of the Fourth Schedule, national trunk roads are assigned to the national government, while county roads are an exclusive responsibility of county governments. Worth noting however is the fact that in the strict interpretation of the Constitution, there are **County trunk roads** like the health sector where we have **National Referral Hospitals** and **County Referral Hospitals**.
6. In recent years, however, this constitutional clarity has been undermined. Through decisions of the National Assembly on **28th September 2023 and 13th August 2024**, counties were excluded from direct allocation of the Road Maintenance Levy Fund (RMLF) the dedicated levy paid by every motorist on every litre of fuel. In response, the Council of Governors, acting as the 5th Petitioner together with other concerned Kenyans, approached the High Court in Constitutional Petition E423 of 2024.
7. On 5 June 2025, Justice Lawrence Mugambi delivered a landmark judgment declaring the existing road classification under Section 47 and the exclusion of counties from the RMLF under Section 6 of the Kenya Roads Board Act unconstitutional. The Court of Appeal subsequently granted a 12-month stay of those declarations (until July 2026) to avoid disruption, thereby giving Parliament the necessary window to legislate the required corrections. I believe this Bill is Parliament's direct response to that judicial directive.

8. The Council further notes that there is an existing challenge of policy inconsistency. As far back as 2013, the Presidential Taskforce on Parastatal Reforms — the Hon. Mohamed Abdikadir Report — had already recommended the **dissolution of KeRRA and KURA** precisely because **rural and urban roads are devolved functions** under the Fourth Schedule. More recently, **on 21 January 2025**, Cabinet approved reforms proposing the merger of these two agencies to eliminate duplication. The Council notes that it is important that Government policy remain consistent. We cannot, on the one hand, decide to dissolve or merge these agencies because they perform devolved functions, and on the other hand continue to channel billions of shillings to them to perform the very same functions at the expense of the County Governments. The restructuring of these agencies should be matched by legislation that properly assigns both the functions and the resources to the correct level of government.
9. The Senate, under Article 96 of the Constitution, has the special mandate to represent and protect the interests of county governments and therefore the Council respectfully urges the senate to consider the issues raised by the Council.

Issues regarding Classification and Reclassification of Roads (Clauses 2, 3 and 5)

10. According to the Kenya Roads Register 2024, **counties are already responsible for 182,092 kilometres — that is 76.15% — of Kenya’s entire road network of 239,122 kilometres.** This single fact makes the proper classification of roads one of the most critical parts of this Bill.
11. Clauses 2, 3 and 5 seek to do three things: they introduce new definitions for “**national trunk roads**” and “**county roads**”, they replace the old Section 47 of the principal Act, and they substitute an entirely new First Schedule. In simple terms, the Bill now divides all public roads into two categories — national trunk roads and county roads — and gives the Cabinet Secretary the power to classify and reclassify any road in the country, provided there is consultation with county governments and a review every five years.
12. Despite the fact that the Bill recognizes county roads as a distinct and separate category, which now aligns with the distribution of functions under the Fourth Schedule of the Constitution, there are several clauses that the Bill still places under national trunk

roads which are in our considered view, functions that properly belong to counties under Part 2 of the Fourth Schedule.

13. We propose the following targeted adjustments to the First Schedule:

- a) **Minor urban arterials (Class Bu)** that serve central business districts and major towns should be reclassified as county roads. These are the roads that form part of internal urban circulation and local planning — functions assigned to counties under Article 184 and the Urban Areas and Cities Act. Examples include Tom Mboya Street or River Road in Nairobi CBD, the main avenues in Kisumu or Eldoret that handle daily local commerce and pedestrian traffic.
- b) **Secondary rural roads (Class C)** linking major towns should be moved to the county roads category, with a revised description: “Roads linking county headquarters to each other, to cities and municipalities, and forming a continuous network with Classes A and B.” These are the roads Kenyans use every day to move produce to market or travel between county towns — for instance, the links between Nakuru and neighboring towns in the Rift Valley or between county headquarters across the former provinces. Rural roads are explicitly devolved; retaining them under national classification would not fully align with Article 186(2) and the principle of subsidiarity.
- c) **Urban collectors (Class Cu) and shopping/business streets (Class Du)** should likewise be placed under county roads. These handle local traffic distribution and pedestrian access within towns and cities — core elements of county planning and land-use management. Examples include the collector streets in residential estates of Mombasa or the bustling shopping streets in our market centres and suburbs.
- d) **Security roads (Class SR)** should remain national, but the word “rural” should be removed from their description so that there is no overlap with devolved functions while fully protecting national security interests under Articles 238 to 240 Constitution.

14. Clause 3 replaces Section 47 and gives the Cabinet Secretary the overall power to classify and reclassify roads, we propose that this power should not be exercised unilaterally. Instead, classification and reclassification should be done through a **joint intergovernmental mechanism** involving the national government the relevant County

Government and the Council of Governors. This will give practical effect to Article 6(2) of the Constitution, which requires consultation and cooperation between the two levels of government. These adjustments will ensure that the classification in law truly matches both the constitutional division of functions and the reality on the ground.

Responsibilities of County Governments and Road Signage (Clause 4)

15. Clause 4 is one of the strongest parts of the Bill. It inserts two new sections — 47A and 47B — into the principal Act. Section 47A clearly sets out the responsibilities of county governments for the planning, construction, maintenance, rehabilitation and management of county roads. It also requires counties to adhere to national standards and to coordinate with national agencies where necessary.
16. Section 47B introduces mandatory road signage that will show both the classification of the road and which level of government is responsible for it. This is a very practical and welcome provision. We fully support Clause 4 in its entirety. These new sections give clear legal effect to paragraph 5(a) of Part 2 of the Fourth Schedule to the Constitution and bring much-needed clarity for both road users and the two levels of government. Once the signage is in place, every Kenyan driving on any road will know exactly who is responsible for its maintenance — ending the current confusion.

Allocation from the Road Maintenance Levy Fund (Clause 6)

17. Clause 6 amends Section 6(2) of the Kenya Roads Board Act and is, in many ways, the heart of this legislation for county governments. The Bill proposes only 5% of the Road Maintenance Levy Fund (RMLF) to all 47 counties combined out of the 50% non-securitized component of RMLF. The literally means that Counties have been allocated 2.5% of the total levy collected per year despite managing 76.15% of the total road network. This does not adhere to the constitutional principal of equity in resource allocation. For example, in the financial year 2024/25, total collections from the Fund (RMLF) stood at KSh 119.7 billion. 2.5% percent of that amount is approximately KSh 3 billion. **When counties already manage 76.15% of Kenya's 239,122-kilometre road network**, an allocation of only 2.5% cannot be justified. This is not a technical detail — it is a fundamental question of fairness and constitutional compliance.

18. Despite the minimal allocation to counties national agencies such as KeRRA continue to receive substantial resources — more than KSh 400 billion cumulatively since 2013/14 and KSh 35.8 billion in the last financial year alone — for functions that both the High Court and successive government policy reviews have identified as largely devolved, even as the merger of KeRRA and KURA has been proposed. KURA has similarly received over KSh 262 billion in the same period for urban roads that should be devolved.

19. Under Section 6(2)(d), we recommend the following redistribution:

- (a) The 25% previously allocated to the **Constituency Road Committees** and administered by **KeRRA** should now go directly to County governments to develop and maintain former rural (Class C) roads within their counties. These are roads such as the Nakuru-Njoro road in the Rift Valley, the Meru-Maua road in Eastern, the Kakamega-Shinyalu road in Western, the Kisii-Kilgoris road in Nyanza, the Kilifi-Mariakani road in the Coast, the Garissa-Dadaab road in North Eastern, or the Marsabit-Moyale road— the very roads that carry farmers' produce to market and link our rural communities every single day.
- (b) The 7% previously allocated to **roads linking constituencies** and **administered by KeRRA** should likewise be administered by the counties, as these roads are now properly classified as county roads. Examples include the roads linking different constituencies within the same county, such as the links between Westlands and Dagoretti in Nairobi (Nairobi), between Kajiado North and Kajiado South (Rift Valley), between Kitui Central and Kitui South (Eastern), between Bungoma North and Bungoma South (Western), between Kisumu East and Kisumu West (Nyanza), between Mombasa Old Town and Nyali (Coast), or between Mandera East and Mandera West (North Eastern).
- (c) The 38% allocated to national trunk roads and administered by KeNHA should remain with the national government. These are the major trunk highways such as the Nairobi-Mombasa Highway (Central to Coast), the Thika Superhighway (Central), the Eldoret-Kitale road (Rift Valley), the Trans-Nzoia to Uganda border road (Western), or the Isiolo-Marsabit road (Northern to Eastern).

- (d) The **14%** currently allocated to urban roads should be split: **4%** to national urban trunk roads (for example, Uhuru Highway and Haile Selassie Avenue in Nairobi that carry through-traffic) and **10%** to county urban roads (for example, Tom Mboya Street, River Road, the residential collector streets in South C or Buruburu estates in Nairobi (Central), or the main streets in Kisumu (Nyanza), Eldoret (Rift Valley), Mombasa (Coast), Meru (Eastern), Kakamega (Western), or Garissa (North Eastern) CBDs).
- (e) The **1%** for roads in national parks and reserves should be co-managed and co-shared between the **Kenya Wildlife Service** and the **host County Governments** under Article 187. Counties such as Narok (Rift Valley) and Kajiado (Rift Valley) already maintain critical access roads in Maasai Mara and Amboseli.
- (f) The **2%** for the Board's recurrent expenditure should remain as is however at least **0.5%** of this fund should be allocate the Council of Governors to deliver the **mandate** proposed in the Council's submission and for coordination of the 47 Counties in line section 19 of the Intergovernmental Relations Act 2012 .

20. This reallocation gives counties a total of **42%** of the Fund.

21. The Council also notes that Section 6(2)(c)(ii) of the Kanya Roads Board Act sets aside 50% of the Fund for purposes of borrowing and securitisation under Section 32A. This provision is not clear on how the money will be utilised, and it raises serious questions about securitisation of a levy paid by ordinary motorists. Counties must have a meaningful share and say on how this portion is managed. We therefore propose the establishment of a **joint intergovernmental committee** (National Government, Council of Governors and the Senate) to oversee the utilisation and repayment of any borrowed funds from this portion. This is a principled, proportionate and long-overdue correction. With this allocation, counties will have the resources to maintain the roads that Kenyans use every single day.

Representation in Road Governance Institutions

22. Although the Bill does not directly amend the governance structures of the Kenya Roads Board or the Constituency Roads Committees, effective implementation of the entire legislation will depend on these amendments . Under Section 7 of the Kenya Roads

Board Act, which establishes the membership of the Board, we propose that the **two outdated Principal Secretary positions** (for Local Authorities and Regional Cooperation) be replaced with two representatives of County Governments nominated by the Council of Governors. Counties manage 76% of the national road network. It is only logical and fair that they have a formal voice at the highest decision-making body for roads in the country. We urge the Senate to consider this amendment.

23. For the Bill to be complete and consistent, two further amendments are necessary:

- (a) Deletion of Section 17 of the Kenya Roads Board Act (**Establishment, powers and functions of the Constituency Roads Committee**). With the reclassification of roads and direct allocation to counties, this committee will no longer serve any useful purpose and should be deleted.
- (b) Consequential amendments to the Kenya Roads Act (Cap 408) to delete the provisions establishing the Kenya Urban Roads Authority (KURA) and the Kenya Rural Roads Authority (KeRRA). Once the roads they were created to manage are properly declassified and returned to counties, these two agencies will become redundant. Retaining them would be inconsistent with both the Abdikadir Report and the Cabinet reforms of January 2025. There will be need to also provide for smooth transition.

24. The Senate stands as the constitutional guardian of devolution. The High Court has spoken clearly. The Abdikadir Report spoke in 2013. Cabinet spoke again in January 2025. The people of Kenya — who pay the levy on every litre of fuel — are watching and waiting for their roads to be fixed by the Government closest to them.

25. The Council does not oppose the Bill but seeks to strengthen it. The proposals by the Council — on classification, on fair allocation, and on representation — are modest, practical and firmly grounded in the Constitution. We urge the senate to adopt them, and the Bill will become the law that finally ends twelve years of resource denial, honours the Court's declarations, and ensures that resources truly follow functions as Article 202(2) of the Constitution demands.

26. In conclusion critics of devolution may argue that counties are not yet ready or able to manage these roads, but they have missed the point. Counties have already been exercising this constitutional responsibility for many years, maintaining many Kenya's

roads even with limited resources. Many counties today have functional roads departments, qualified engineers, equipment fleets, and successful road projects to their credit. With dedicated RMLF funding and the clear transfer of functions, counties will rapidly strengthen their capacity — exactly as the Constitution envisages under Articles 187 and 202 of the Constitution.

Key Proposals:

Area	CoG Position	Benefit
Road Classification	Move Bu, C, Cu, Du to County Roads and provide a Joint Mechanism for classification	Ends unconstitutional reclassification
RMLF Allocation	42% to Counties (detailed breakdown below)	Matches 76.15% of roads managed by counties
Park Roads	Joint KWS + Host County management and allocation	Fair to tourism counties
Governance	2 CoG representatives on Kenya Roads Board	Real Intergovernmental Partnership
Consequential Amendments	Delete Section 17, Delete KURA & KeRRA provisions and Delete Constituency Roads Committees	Ends duplication and policy contradiction

Current Allocation	%	Current Administrator	Proposed Administrator		Proposed %	
Constituency Road Fund (Class C)	25%	KeRRA	County Governments		25%	
Roads linking constituencies	7%	KeRRA	County Governments		7%	
National Roads	38%	KeNHA	National Government		38%	
Urban Roads	14%	KURA	National Government	County Government	10%	4%
National Parks & Reserves	1%	KWS	Joint KWS + Host Counties		1%	

Board Recurrent Expenditure	2% with 0.5 earmarked for CoG	KRB	KRB and 0.5% to CoG	2%
TOTAL TO COUNTIES	5%	-	-	42%

Key Facts

Total Kenyan road network: **239,122 km**

County-managed roads: **182,092 km (76.15%)**

National-Managed roads: **57,030 km (23.85%)**

RMLF collections FY 2024/25: **KSh 119.7 billion**

Current Bill proposal to counties: **KSh 3 billion (5%)**

Proposed under COG position: **KSh ~50 billion (42%)**

KeRRA cumulative funding since 2013/14: **> KSh 400 billion**

KURA cumulative funding since 2013/14: **> KSh 262 billion**

AMENDMENT MATRIX

Clause / Section	Issue of Concern	Justification	Proposed Amendment / Recommendation
General - Alignment with Devolution	The Bill only partially aligns with the Constitution and in some instances reclassifies County Roads as National Roads.	Undermines the spirit and letter of devolution and county autonomy as entrenched in Articles 6(2), 174, 175 and 187 of the Constitution. Fails to respect the distinct but interdependent relationship between the two levels of government.	Amend the Bill to clearly recognize and safeguard County Roads as a devolved function under the Fourth Schedule and avoid reclassification of County Roads as National Roads.
Classification & Reclassification of Roads	The Cabinet Secretary is given power to classify and reclassify all roads, including county roads.	This is inconsistent with Article 186 and the Fourth Schedule which assigns county roads exclusively to County Governments. Centralizes a devolved function.	Establish a joint intergovernmental mechanism for classification, reclassification and periodic review of roads, anchored in law and guided by Article 6(2) on consultation and cooperation.
Section 6(2) - Financial Allocation to Counties	Only 5% of the Road Maintenance Levy Fund is allocated to County Governments.	- According to RICS and Kenya Roads Register 2024, counties manage approximately 182,832 km (76.5%) of the road network, while National Government manages about 56,290 km (23.5%). The 5% allocation is inequitable and contradicts the principle that resources must follow functions and the constitutional minimum of 15% share of national revenue to counties. - Further based on the	Increase the allocation to County Governments to not less than 42 % of total fuel levy collections for the preceding financial year, in line with Article 202 and Article 203 of the Constitution.

		Council recommendations on the classification of the roads, the Counties will manage all the roads currently under KeRRA, KURA and Constituency maintenance.	
Section 6(2)(d)(v) - Roads in National Parks & Reserves	1% of funds is allocated exclusively to the Kenya Wildlife Service (KWS) for roads in parks and reserves.	Counties such as Narok and Kajiado among others play a major role in developing and maintaining access and supporting infrastructure to and within parks. Exclusive allocation to KWS is inconsistent with Article 187 and the principle that resources should follow functions.	Replace KWS-only allocation with: "A joint allocation framework for park roads administered by KWS and the respective County Governments hosting national parks and reserves under Article 187 of the Constitution."
Section 7 - Membership of Kenya Roads Board (KRB)	No formal representation of County Governments in the Board. Current representation includes PS for local authorities and PS for regional cooperation.	The Act was enacted before the 2010 Constitution and does not reflect the devolved governance structure. Counties have direct constitutional responsibility over County Roads (Fourth Schedule).	Amend Section 7 to replace the two PS positions with two (2) representatives of the Council of Governors nominated by the CoG to represent County Governments on the Board.
Section 17 and 17A - Constituency Roads Committee	Section 17 and 17A creates an unconstitutional and illegal entity to maintain roads already classified under County Governments and also undertake procurement of roads contrary to the public procurement and	The constitution only provided for two classes of roads. National Trunk Roads and County Roads. Constituency roads do not exist in the current constitutional framework and therefore introducing the undermines of the Constitution	Delete Section 17 and 17A of the roads committee

	disposal act 2015.		
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The Council proposes the following amendments to the proposed classification of roads:

PART A – CLASSIFICATION OF NATIONAL TRUNK ROADS

Functionality	Provision in the Bill		Council Recommendation		Justification
	Class	Description	Classes	Description	
Primary National Trunk Roads(National Roads)	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	As	Highways connecting cities, cities to a municipality through the use of grade separation using interchanges, overpasses and underpasses with maximum access control.	The description should align with urban areas and cities act.
	A	Roads and corridors connecting international boundaries and international terminals such as international ports, airports.	A	No change	This is consistent with Part 1, Fourth Schedule which assigns national transport and international corridors to the National Government. These routes serve strategic, national and international functions and therefore rightly remain national roads
	Au	Major urban arterials in cities providing through	Au	No change.	These roads handle metropolitan

		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.			traffic of national economic importance. Retaining them under national roads is consistent with Article 186(1) (national functions) and the Fourth Schedule where national trunk roads fall under the National Government.
	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	B	Reclassified to Class B. Roads forming important national routes, linking regions to the capital, to each other or to Class A roads.	The original classification is inconsistent with devolution, because minor urban arterials are part of internal urban circulation, which is a county function under Part 2 of the Fourth Schedule (county roads and street lighting; county transport). Leaving these roads as "national"

					undermines Articles 6(2), 174(c) and 189, which require functions at local level to be exercised at that level.
	C	Rural Roads. Secondary National Trunk Roads. Roads linking major designated towns and forming a continuous network with Class A and Class B roads.	C	Delete "rural roads" from national classification and add the following description. Roads linking Counties to each other and other designated cities and municipalities to the higher-level network or to each other and forming a continuous network, together with A and B roads.	Rural roads are clearly a County Government function under Part 2 of the Fourth Schedule (county roads). Retaining "rural roads" as national roads directly violates Article 186(1),(2) and the Fourth Schedule. It also contradicts the principle of subsidiarity in Article 6(2). These roads must therefore be transferred to the County Roads category.
	Rural Roads	Rural Roads. Security Roads. Roads strategic to national security as identified by the Ministry responsible for	SR	Delete	The roads fall within the County Roads

		Internal Security and communicated to the Minister from time to time.			
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All County Roads are classified as follows:

PART B – CLASSIFICATION OF COUNTY ROADS

Functionalit y	Clas s	Description	Justification
County Roads	D	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. 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 channeling local traffic from lower level roads to higher level roads and centers.	This is directly supported by Part 2 of the Fourth Schedule, which assigns: “county roads, street lighting, traffic and parking” and county transport to county governments. Sub-counties, wards and towns fall under devolved planning units, making these roads constitutionally devolved.
		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	Moved Cu to this section. These provide internal urban circulation within a town or city. Urban planning and traffic management are county functions under Part 2 of the Fourth Schedule and Article 186(2). National classification of such roads would unconstitutionally interfere with county planning powers.
		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 through fares or avenues serving the Central Business District of cities and major towns and principal urban bus routes.	Moved Bu to this section. The Fourth Schedule and Article 184 (on urban areas and cities) places town and city management within devolved structures created by counties. Therefore, these roads must fall under County Governments, not the National Government.

		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.	We have moved section Du to this section. These are clearly part of local urban infrastructure, integral to county planning, land use control, trade and mobility. Classifying them as national roads infringes on Articles 174(d) & (f) which protect devolved decision-making and local development.
	E	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	No change. This is unquestionably a county responsibility under Part 2 of the Fourth Schedule: county roads, since these roads serve local populations and local economic activity. It also aligns with Article 174(e) on enhancing self-governance and participation.
		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.	No change. Residential planning, housing, neighborhood traffic and streets are all devolved under county planning and development functions. Retaining this under counties ensures legal consistency and avoids duplication of authority in urban areas.

Despite the proposed classification, the Council is of the view that a simpler classification would be explored.

2.1 The Ministry's Engagements with this Honourable Committee

- **5th March, 2026** — Meeting of the Cabinet Secretary, Ministry of Roads and Transport (Hon. Davis Chirchir, EGH) with the Standing Committee, pursuant to the Clerk's letter Ref. SEN/DSCE/RTH/2026/003 dated 18th February, 2026, to consider the Kenya Roads (Amendment) (No.3) Bill, 2025.
- **31st March, 2026** — Meeting of the Standing Committee at which the Committee resolved to invite the Cabinet Secretary to a stakeholder retreat for further deliberations.
- **2nd April, 2026** — Invitation by the Clerk of the Senate (Ref. SEN/DSEC/RTH/2026/37) to a stakeholder retreat originally scheduled for 15th–16th April, 2026.
- **16th April, 2026** — Letter from the Clerk of the Senate (Ref. SEN/DSEC/RTH/2026/49) communicating the rescheduling to 7th–11th May, 2026.
- **7th–11th May, 2026** — The present Stakeholder Retreat, at which this submission is tabled.

3. Classification of Public Roads

The Constitution recognises two categories of public roads: national trunk roads as follows:

Functionality	Class	Constitutional Category	Description
PART A — NATIONAL TRUNK ROADS			
Primary National Trunk Roads	As	National Trunk Roads	Highways with grade-separated interchanges, overpasses and underpasses, designed for high-volume, high-speed traffic; may be tolled.
	A	National Trunk Roads	Strategic routes connecting international boundaries and terminals, including corridors recognised under the Trans-Africa Highway and East African Road Networks.
	B	National Trunk Roads	Important national routes linking County and Municipal headquarters to

			cities, to each other or to Class A roads; inter-county.
	Au	National Trunk Roads	Major urban arterials in cities providing through traffic and long-distance movement between separated parts of the city.
	Bu	National Trunk Roads	Minor urban arterials moving traffic between zones of the urban area, including thoroughfares serving the CBD and principal urban bus routes.
Secondary National Trunk Roads (Collector Roads)	C	National Trunk Roads	Roads linking Sub-County headquarters and other major designated towns to the higher level network or to each other, forming a contiguous network with Class A and B roads.
	Cu	National Trunk Roads	Major urban Collectors linking Arterials and Local roads, distributing traffic to residential and other defined zones.
Secondary National Trunk Roads (Special Purpose Roads)	SP	National Trunk Roads	Roads providing direct access to places of specific national social or economic importance, including industrial and commercial areas and government institutions (schools, hospitals, prisons, government housing).
Secondary National Trunk Roads (Security Roads)	SR	National Trunk Roads	Intra-county roads strategic to national security, in insecurity-prone counties identified by the Ministry responsible for Internal Security, managed by national agencies as instructed by the Cabinet Secretary responsible for Roads.
PART B — COUNTY ROADS			
County Roads (Local Roads)	D	County Roads	Inter-ward roads of moderate length linking wards and minor towns to Sub-County towns or the higher network; channel local traffic from lower-level roads to higher-level roads.
	E	County Roads	Residual category providing last-access to villages, minor markets and homes; the largest proportion of the road network in Kenya.
	Du	County Roads	Main shopping and business streets in urban CBDs and suburbs of larger towns



MINISTRY OF ROADS AND TRANSPORT

RESPONSE TO THE STATEMENT ON THE AMENDMENTS TO KENYA ROADS BOARD ACT

7th–11th May, 2026

1. Introduction

Honourable Chairperson and distinguished Members of this Committee, the Ministry of Roads and Transport (the Ministry) appears before you to present its two issues: first, the reclassification of public roads in alignment with the Constitution; and second, the allocation framework for the Road Maintenance Levy Fund (RMLF). The Ministry bears overall responsibility for road-sector policy and the setting of standards for all public roads.

Following the High Court Judgment of 5th June 2025 in HCCHRPET No. E423 of 2024 (Issa Elanyi Chemao & Others v. National Assembly & Others) and the subsequent Court of Appeal Ruling staying that Judgment for twelve (12) months for legislative consideration, the Ministry has prepared a technical framework for the Honourable Committee's consideration. The principal positions advanced are:

- The Constitution recognises **two categories of public roads** — **National Trunk roads** (Class S, A, B and C) and **County Roads** (Class D, E, F and G) — and assigns each to a distinct level of government under Article 186 read with the Fourth Schedule.
- The Ministry recommends that County Governments be expressly recognised as beneficiaries of the RMLF, in line with paragraph 5(a) of Part 2 of the Fourth Schedule.
- A scientific, two-tier allocation formula based on length, traffic, condition and network type, applied to the gazetted Roads Register, 2025, produces a recommended share of fifteen per cent (15%) to

County Governments and eighty-five per cent (85%) to the National Trunk Roads.

- The RMLF allocation to County Governments should be accompanied by a robust accountability framework, a ring-fenced Special Purpose Account, compliance with national standards, and an Annual Road Works Programme.

2. Constitutional and Judicial Context

Article 6(2) of the Constitution provides that the governments at the national and county levels are distinct and inter-dependent and shall conduct their mutual relations on the basis of consultation and co-operation. Article 186, read with Section 18 of Part 1 and paragraph 5(a) of Part 2 of the Fourth Schedule, assigns the construction and operation of national trunk roads (and the setting of standards for all roads) to the national government, and the construction, operation, maintenance, rehabilitation and development of county roads to the county governments. The RMLF, established under the Road Maintenance Levy Fund Act and currently collected at KSh 25 per litre of fuel, is a user-pays levy raised on all public roads; its allocation must therefore reflect the constitutional distribution of road functions.

On 5th June 2025, the High Court (Mugambi J.) delivered judgment in HCCHRPET No. E423 of 2024 (Issa Elanyi Chema v. National Assembly), making declarations on (a) the classification of public roads under Section 47 of the Kenya Roads Act, 2007; (b) Section 6 of the Kenya Roads Board Act, 1999; (c) the appropriation decisions in respect of the RMLF for FY 2024/2025 and 2025/2026; and (d) the principle that County Governments should be recognised as beneficiaries of the RMLF in any future appropriation. The Kenya Roads Board, together with the National Assembly, lodged Civil Appeal No. E673 of 2025. The Court of Appeal stayed the implementation of the High Court Judgment for twelve (12) months running to July 2026, to allow the affected statutes to be reviewed and, where necessary, aligned with the Constitution through the legislative process.

			and cities, with high pedestrian access to commercial properties.
	Eu	County Roads	Local residential streets providing direct access to groups of residential properties; the local tier of the urban roads hierarchy.

4. The Network

The Roads Register, 2025 sets out the road network of the Republic, distributed between the two constitutional categories as follows:

Constitutional Category	Classes	Paved (km)	Unpaved (km)	Total (km)
National Trunk Roads	S, A, B, C	20,084	36,986	57,070
County Roads	D, E, F, G	5,327	176,725	182,052
National Total		25,411	213,711	239,122

County roads constitute approximately 76% of the network by length but only 21% of the paved network. National trunk roads, although only 24% by length, carry the overwhelming share of motorised traffic and include all of Kenya's strategic regional and international corridors. Two-thirds of the asset value of the network (estimated at KSh 2.6 trillion paved against KSh 1.3 trillion unpaved) is concentrated in the 11% of the network that is paved.

5. Allocation Formula

The formula for allocating the RMLF is in two parts. The Vertical Formula and the Horizontal Formula. The Vertical Formula allocates the RMLF between the National and County Governments.

The Horizontal Formula facilitates the allocation of the RMLF at each level. This means that at the National level allocation will be done across the respective agencies whereas at the County level application of the horizontal formula will appropriate the County share to the 47 counties to determine the allocation to each of the counties. The allocation at the Horizontal level will be done based on the set parameter such as road condition, traffic and all other parameters.

5.1 The Vertical Formula Allocation based National and County Roads

The Ministry's formula is structured as a two-tier vertical model that allocates the distributable RMLF between the National Government and the County Government. This structure aligns directly with the constitution and applies identical, uniform sub-criteria weights to both tiers.

Criteria and Weights

Main Criterion	Weight	Sub-weights
Length of Road	25%	Paved 22%, Unpaved 3% — reflects asset value and per-km lifecycle cost (paved roads cost 7–10x unpaved per km)
Traffic Volumes	45%	Dominant criterion — traffic intensity is the strongest predictor of pavement wear and the strongest driver of economic return on maintenance
Road Condition	5%	Good 3%, Fair 1.5%, Poor 0.5% — directs maintenance to roads where it is most cost-effective (preventive over reactive)
Road Network Type	25%	S/A/B/C 23.5%, D–G 1.5% — reflects strategic importance and design standards differential
Total	100%	

The Q-Score Formula

$$Q_a = 22 \cdot (L_{pa}/L_{pt}) + 3 \cdot (L_{upa}/L_{upt}) + 45 \cdot (T_{Aa}/T_{At}) + 3 \cdot (C_{ga}/C_{gt}) + 1.5 \cdot (C_{fa}/C_{ft}) + 0.5 \cdot (C_{pa}/C_{pt}) + 23.5 \cdot (S_{abc_a}/S_{abc_t}) + 1.5 \cdot (S_{defg_a}/S_{defg_t})$$

Where Q_a is the Q-score for tier "a" (NTR or Counties); L = length, T = traffic, C = condition, S = sub-class network type; subscripts: p = paved, up = unpaved, g = good, f = fair, p = poor; t = total. Coefficients sum to 100. The same weights are applied uniformly to both tiers; $\sum Q$ across the two tiers = 100. The annual allocation is $C_a = RMLF \times (Q_a \div 100)$. Every variable is drawn from the gazetted Roads Register, 2025 or the KRB Annual Condition Survey — both documents of public record — and the formula is therefore fully transparent and replicable.

5.2 The Horizontal Formula Allocation

The application of the horizontal formula will be undertaken independently for the two categories derived from the vertical formula allocation, namely the ****National Share**** and the ****County Share****.

For the ****National Share****, the horizontal formula will be applied to distribute the national allocation among the respective national road agencies. This will determine the proportion and corresponding amount each agency receives from the National Share derived through the vertical allocation.

For the ****County Share****, the horizontal formula will be applied to apportion the county allocation among the forty-seven (47) county governments. This will determine the allocation due to each county from the County Share of the vertical allocation, based on the various parameters set out in the formula.

The Horizontal Formula is built on four (4) main criteria, with assigned weights totalling 100%, and each disaggregated into measurable sub-criteria as set out in the table below.

Horizontal Allocation Criteria and Weights

No.	Main Criteria	Main Weight (%)	Sub-Criteria	Sub-Weight (%)
1	Length of Road	30	Paved	24
			Unpaved	6
2	Traffic Levels	10	Vehicles per km	10
3	Road Condition	15	Good	8
			Fair	5
			Poor	2
4	Road Network Type	45	Class A	14
			Class B	13
			Class C	12

No.	Main Criteria	Main Weight (%)	Sub-Criteria	Sub-Weight (%)
			Class D, E, F, G	6
	TOTAL	100		100

Rationale for the weights:

- **Length of Road (30%):** The physical extent of the network is the primary cost driver in maintenance. Paved roads (24%) are weighted higher than unpaved (6%) on the basis of their relative asset value and the higher unit cost of maintaining bituminous pavements.
- **Traffic Levels (10%):** Captures road usage and the rate at which the road asset is consumed, normalised on a per-kilometre basis to ensure fairness between long, lightly trafficked networks and short, heavily trafficked ones.
- **Road Condition (15%):** Operationalises the asset-preservation principle. Roads in good (8%) and fair (5%) condition attract higher weights than roads in poor (2%) condition, since timely maintenance of sound roads is significantly more cost-effective than reconstruction of failed roads.
- **Road Network Type (45%):** Reflects the strategic and economic importance of higher-class roads. Class A (14%), Class B (13%), Class C (12%) and Classes D–G (6%) carry weights commensurate with their role in national, regional and local connectivity.

Horizontal Allocation Formula

The allocation to any given Agency, denoted C_a , is computed as the product of the Total Annual RMLF projection and the Agency's weighted share Q :

$$C_a = \text{RMLF} \times Q$$

Where Q for the Agency is the sum of its weighted shares across the four main criteria, expressed as:

$$Q = [24\% \times (L_{pc} / L_{tp}) + 6\% \times (L_{upc} / L_{tup})] + [10\% \times (TA / T_t)] + [8\% \times (C_g / C_{gt}) + 5\% \times (C_f / C_{ft}) + 2\% \times (C_p / C_{pt})] + [14\% \times (CIA / CIA_t) + 13\% \times (CIB / CIB_t) + 12\% \times (CIC / CIC_t) + 6\% \times (CIDEFG / CIDEFG_t)]$$

The variables of the formula are defined in Table below.

Variable	Definition
Ca	RMLF allocation to a particular Agency
RMLF	Total Annual RMLF projection
Q	Summation of weighted main criteria for the Agency
L _{pc} / L _{tp}	Length of paved road network in the Agency / total paved network in Kenya
L _{upc} / L _{tup}	Length of unpaved road network in the Agency / total unpaved network in Kenya
TA / T _t	Traffic level per km in the Agency / cumulative traffic per km nationally
C _g , C _f , C _p	Percentage of Agency roads in good, fair and poor condition respectively
C _{gt} , C _{ft} , C _{pt}	Cumulative national percentage of roads in good, fair and poor condition
CIA / CIA _t	Length of Class A roads in the Agency / total Class A length in Kenya
CIB / CIB _t	Length of Class B roads in the Agency / total Class B length in Kenya
CIC / CIC _t	Length of Class C roads in the Agency / total Class C length in Kenya
CIDEFG / CIDEFG _t	Length of Class D, E, F, G roads in the Agency / total length in Kenya

As an example, In application, the Horizontal Formula to the National Share, the formula will take into consideration the Road Inventory and Condition Survey (RICS), which is updated by the Kenya Roads Board every five (5) years. For each Agency, the values of L_{pc}, L_{upc}, TA, C_g, C_f, C_p, CIA, CIB, CIC and CIDEFG are read directly from the RICS database and the corresponding national totals (L_{tp}, L_{tup}, T_t, C_{gt}, C_{ft}, C_{pt}, CIA_t, CIB_t, CIC_t, CIDEFG_t) are computed by aggregation. The Agency's weighted share Q is then computed and multiplied by the Annual RMLF projection to yield the Agency's allocation Ca.

Based on this the National share will be allocated as follows:

Agency	Paved Roads	Unpaved Roads	Traffic Level	Good Condition	Fair Condition	Poor Condition	Class A	Class B	Class C	Class D,E,F,G	QTOTAL
KeNHA	11.67	0.17	2.17	0.50	0.42	0.21	13.76	12.50	0.00	0.00	36
KeRRA	4.98	2.94	3.11	3.93	2.84	0.72	0.00	0.00	10.48	0.00	26
KURA	2.33	0.04	4.37	2.54	0.66	0.37	0.24	0.50	1.52		11
Counties	5.03	2.85	0.35	1.03	1.08	0.71	0.00	0.00		6.00	15
KWS											1
National Emergency/Disaster Contingency Fund											8
MoR&T											1.50
Kenya Roads Board											1.50
Totals	24.01	6.00	9.99	8.00	5.00	2.01	14.00	13.00	12.00	6.00	100

For the ****County Share****, the horizontal formula will be applied to apportion the county allocation among the forty-seven (47) county governments. The County allocations share will be determined by the County road network, condition, traffic and all other parameters.

6. Proposed Allocation

Applied to the gazetted Roads Register, 2025, the formula produces:

Tier	Q-Score	% of RMLF	At Sh 70 Bn (Sh Bn)*	Function
National Trunk Roads	84.98	84.98%	59.49	Class S, A, B, C
County Governments	15.02	15.02%	10.51	Class D, E, F, G
Total	100.00	100.00%	70.00	

The recommended County share of 15.02% is the output of the formula and is based on: (a) engineering economics — County roads are predominantly Class D–G, with low traffic intensity, and a 15% share matches the maintenance economics of these classes when weighted by condition and traffic; (b) constitutional proportionality — the share recognises County Governments as substantive beneficiaries of the RMLF in line with paragraph 5(a) of Part 2 of the Fourth Schedule, while preserving the resources required for the National Trunk network; and (c) the figure is also concurrent with the order of magnitude considered in HCCHRPET No. E423 of 2024.

7. Accountability Framework

The Ministry submits that the recognition of County Governments as beneficiaries of the RMLF should be accompanied by an accountability framework as outlined by the RMLF Act as follow:

- **Ring-fencing of the Fund.** Section 7(2) and (5) of the Road Maintenance Levy Fund Act establish the Fund as a special fund and require all receipts, savings and accruals to be retained for the purposes for which the Fund is established. RMLF allocations to County Governments must therefore be paid into a dedicated, ring-fenced county roads maintenance account, separate from the County Revenue Fund, and applied solely to the maintenance, rehabilitation and development of county roads.
- **Monitoring, audit and reporting.** Section 6(2)(g) of the Kenya Roads Board Act empowers the Board to monitor and evaluate, by means of technical, financial and performance audits, the delivery of goods, works and services funded by the Fund.

8. Conclusion.

The Ministry submits this presentation to the committee for consideration in finalizing the bill. The ministry further proposes the consideration of the formula approach as this will continuously address the explanation and development of the road network.

Cabinet Secretary

Ministry of Roads and Transport

Date: _____

