

SPECIAL ISSUE

Uasin Gishu County Gazette Supplement No. 29 (Acts No. 13)



REPUBLIC OF KENYA

**UASIN GISHU COUNTY GAZETTE
SUPPLEMENT**

ACTS, 2015

NAIROBI, 2nd January, 2015

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THE UASIN GISHU COUNTY TRANSPORT ACT, 2014

AN ACT of the Uasin Gishu County Assembly to provide for matters relating to traffic, parking of Vehicles, county roads, street lighting, public road transport, licensing of parking spaces for lorries and transit trucks, to establish the county department of transport and for connected purposes.

ENACTED by the Uasin Gishu County Assembly, as follows—

PART I—PRELIMINARY

1. This Act may be cited as the County Transport Act, 2015 and shall come into operation on such date as the Member of the Executive Committee, with the concurrence of the Governor, may appoint.

Short title and commencement.

2. In this Act, unless the context otherwise requires—

Interpretation.

“Authorized person” means any person responsible for carrying out any duty or function or delegated to carry out any duty or function under this Act;

“certificate” means operating authority issued under this Act;

“County Roads” means all roads classified as county roads by the Cabinet Secretary responsible for roads and infrastructure;

“Department” means the County Department of Transport established under section 5 of this Act;

“Director” means the County Director of Transport under this Act;

“Governor” means the Governor of Uasin Gishu County Government;

“hazardous materials” means a substance or material in a quantity and form which may pose an unreasonable risk to health and safety or property when transported in commerce by all modes;

“light railway” means a railway whether above, on or under the ground and includes underground metropolitan

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trains, trams, sky trains, cable trains and magnetic levitation trains;

"Member of the Executive Committee" means the Member of the Executive Committee responsible for roads and infrastructure;

"motor vehicle" includes a vehicle, machine, bus, tractor, truck, trailer or semi-trailer, propelled or drawn by mechanical power and used upon public roads in the transportation of property or passengers, but does not include any locomotive or car operated exclusively on a rail, rails or track;

"owner" when used in relation to goods includes any consignor, consignee, shipper or agent for the sale, receipt, custody, loading or unloading and clearance of those goods and includes any other person in charge of the goods and his agent in relation thereto; and when used in relation to a vessel includes any part owner, broker, charterer, agent or mortgagee in possession of the vessel or other person or persons entitled for the time being to possession of the vessel;

"permit" means operating authority issued under this Act;

"person" includes an individual, firm, partnership, company, corporate body (whether incorporated by or under statute or statutory authority) association, corporation or registered scheme;

"ranking facility" includes—

- (a) a place upon a public road from which a public transport service may ply for hire or convey and drop off passengers; and
- (b) any place demarcated or designated for the exclusive parking of specific public transport vehicles by a road traffic sign.

"regulations" means regulations made under this Act.

3. The core objects and purpose of this Act is to provide for all matters necessary to —

Object and purpose
of Act.

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- (a) facilitate the planning and development of county transport facilities and transport infrastructure;
- (b) provide for adequate, safe and efficient county transport facilities and services at a reasonable cost;
- (c) give effect to, and ensure a balanced transport policy and planning;
- (d) establish appropriate institutional systems for county transport sector management, coordination and regulation;
- (e) develop and maintain an integrated and coordinated county transport infrastructure for efficient movement of passengers and freight and support disaster management efforts;
- (f) develop structures and encourage the participation of the private sector and development partners in county transport sector funding and investment;
- (g) deliver efficient and effective sector operations to enhance county productivity;
- (h) encourage incorporation of information technology and management in county transport planning, operations and management;
- (i) incorporate environmental protection and resource conservation issues in county transport sector activities; and
- (j) create an integrated transport system that is sustainable and sound in economic, environmental and in social terms.

4. This Act applies to all County Roads and other transport amenities as provided under the Act. Application.

PART II— THE COUNTY TRANSPORT AND SAFETY BOARD

5. There is established the County Transport and Safety Board responsible for roads and county transport.

Establishment of the Board and Composition of the Board.

(2) The membership of the Board shall consist of a Director and five (5) other members to be appointed by the Governor on recommendation of the Public Service Board from persons who have demonstrable experience in Public transport and administration with the approval of the County Assembly.

6. (1) To qualify for appointment as a Director a person shall possess a university degree and at least five years working experience in any of the following fields—

Qualification for appointment as Director.

- (a) infrastructure development;
- (b) civil engineering;
- (c) physical planning;
- (d) land survey or geospatial science;
- (e) land economics or real estate economics;
- (f) environmental management and conservation;
- (g) land administration and management.

(2) A person shall not be appointed as director unless that person—

- (a) is of irreproachable moral standing and integrity;
- (b) has not been convicted of any offence involving fraud, dishonesty and abuse of office.

7. (1) The County Transport and Safety Board shall perform the following functions—

Functions of the Transport and Safety Board.

- (a) coordinate and develop a comprehensive and balanced transport policy and planning for the County;
- (b) coordinate and assist in the balanced development and operation of transport

facilities and services in the County;

- (c) conduct relevant studies and analysis of problem areas relating to any aspect of transport in the County;
- (d) consult with and co-operate with institutions and officials of the National and County Government having duties and responsibilities concerning transport;
- (e) cooperate with official representatives of neighboring counties and of inter-county agencies on problems affecting transport in the county or counties;
- (f) exercise all functions, powers and duties relating to traffic regulations as may be made pursuant to this Act;
- (g) establish such routes for public road transport, undertake and regulate the licensing and control of public service vehicles that use such routes within the County;
- (h) to recommend to the County Roads Authority to prepare plans, specifications, designs and estimates, and, by the procedures and methods provided by the laws relating thereto, to construct and reconstruct;
 - (i) public roads that are under the jurisdiction of the department;
 - (ii) canals, waterways of the county and structures that are under the jurisdiction of the department;
 - (iii) bridges and grade separation structures that are under the jurisdiction of the department;
 - (iv) parking areas and facilities, appurtenances at or adjacent to transportation interfaces and

No. 12 of 2003.

connections to such facilities.

- (i) to operate and maintain all transport and infrastructural installations in the County;
- (j) advise the Governor on the establishment of such corporations as may be necessary to achieve the objectives of this Act;
- (k) carry out such activities and undertake such activities and undertake such projects as may be necessary for the execution of its functions; and
- (l) perform such other functions as may be assigned to it by this Act, an Act of Parliament or any other Act of the Uasin Gishu County Assembly.

(2) The Board may in consultation with the National Transport and Safety Authority and relevant stakeholders appoint sub-committees with clear functions and powers.

8. (1). The Secretariat of the Board shall be drawn from the Transport Department or such officers as shall be appointed by the County Public Service Board.

Conduct of Business
of the Board.

(2) The County Director of Transport shall be the Secretary to the Board.

(3) The officer in Charge of Legal affairs in the County shall be Ex-Officio member of the Board.

(4) The County Director of Transport shall be the Secretary to the Board.

(5) The Board shall meet at least once every two (2) months in discharge of its functions set out under this Act.

(6) The quorum for the conduct of the business of the Board shall be five Members.

(7) The County Public Service Board shall determine the allowances payable to Board Members from time to time.

(8) The Governor may remove any member of the Board if such member either fails to attend three consecutive meetings of the Board without good cause, acts in a manner that brings the Board to disrepute or acts in a manner to frustrate the functions of the Board or for any other reason that the Governor may deem necessary to promote good governance and the proper discharge of the mandate of the Board.

9. The County Public Service Board shall in consultation with the Member of the Executive Committee appoint such officers and other staff to assist the Board in discharging its mandate under this Act.

Appointment of staff.

PART III— PROVISIONS ON TRAFFIC AND PUBLIC ROAD TRANSPORT

10. Board is authorized to promote safety in the transportation of hazardous materials by all modes of transport, and in connection therewith it shall have the power to make rules and regulations governing transportation of hazardous materials and the nature of clearances required.

Transportation of hazardous materials.

11. An authorised officer may, in enforcing the provisions of this Act, at any reasonable time—

Right of entry.

- (a) enter a public transport service facilities, offices transport operators to inspect and/or audit the facility; and
- (b) make enquiries from a person connected with such facility.

12. No person shall drive a motor vehicle on any public road within the County —

Operating licence.

- (a) except under the authority and in accordance with the conditions of a licence issued to him or her in terms of the relevant national law or this Act; and
- (b) unless such person keeps the relevant licence or document or any other prescribed authorization within the motor vehicle.

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13. (1) No person may, by using force, intimidation, threats or by any other means, prevent or try to prevent—

Preventing engagement of a public transport vehicle.

- (a) any person from obtaining or engaging a public transport vehicle; and
- (b) the driver of a public transport vehicle from taking passengers.

(2) Any person who uses force, intimidation, threats or otherwise prevents or tries to prevent any licenced person from obtaining or engaging a public transport vehicle or taking passengers in contravention of subsection (1) commits an offence and shall upon conviction be liable to a fine not exceeding Kenya Shillings twenty thousand or to imprisonment for a term not exceeding one month.

14. (1) A person who is in charge of a public transport vehicle shall not knowingly convey a person or thing or allow to be conveyed in such public vehicle a person or thing if that person or thing —

Conveying dangerous or offensive articles in public transport vehicles.

- (a) is not permitted to be conveyed in terms of an existing law; or
- (b) has been exposed to or contaminated by an infectious or contagious disease or substances.

(2) Any person who conveys a prohibited person or thing in contravention of subsection (1) commits an offence and shall on conviction be liable to a fine not exceeding thirty thousand shillings or to imprisonment for a term not exceeding three months.

15. (1) No person may board a public transport vehicle until all persons desiring to disembark from such vehicle have done so.

Boarding and disembarking of public transport vehicles.

(2) No person may board a public transport vehicle where the number of passengers would be in excess of the total number of passengers which it is authorised to carry.

(3) No person may board or alight or attempt to

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board or disembark from any public transport vehicle whilst such vehicle is in motion.

(4) Any person who contravenes the provisions of this section shall be liable on conviction to a fine not exceeding ten thousand shillings or to imprisonment for a term not exceeding one month, or to both.

16. (1) The Board may, through the Director, establish ranking facilities in the county and may further erect or cause to be erected a queue sign or queuing barrier in any suitable form for the purpose of queuing.

Queues at public transport facilities.

(2) All passengers intending to enter any public transport vehicle at an established ranking facility or stopping place must queue from the point at which it is indicated that such public transport vehicle will leave.

(3) Where no queue sign has been erected, passengers waiting to enter a public transport vehicle must form themselves into a queue not exceeding two abreast or in a single file when required to do so by an approved public transport conductor or authorised official of the County.

(4) A passenger may only enter a public transport vehicle when he or she gets to the front of the queue.

(5) Every passenger queuing must comply with all the instructions given by a public transport conductor, authorised officer or authorised official when on duty.

PART IV— DUTIES AND OBLIGATIONS OF PASSENGERS

17. A passenger must pay the prescribed fare for the use of a public transport motor vehicle in such a manner as the Member of the Executive Committee may determine.

Payment of fares.

18. (1) If a public transport vehicle becomes defective or, for any reason whatsoever, is unable to proceed with the journey, the passengers must disembark from such defective vehicle.

Rights of passengers when a vehicle becomes defective.

(2) Where the passengers have disembarked from the defective motor vehicle they are entitled to be refunded

such amount of fare for the remainder part of the journey as may be prescribed.

(3) Upon agreement with the driver of the defective public transport vehicle, passengers are allowed to travel with the next available public transport vehicle for the remainder of the distance in respect of the paid fares, at the cost of the owner of the defective public transport vehicle.

(4) A driver or conductor who refuses to refund a passenger, as contemplated in subsection (2), or who refuses to allow a passenger to travel in the manner as contemplated in subsection (3) commits an offence and shall on conviction be liable to a fine not exceeding Kenya Shillings Ten Thousand or to imprisonment for a term not exceeding one month.

19. The following actions are prohibited on a public transport vehicle—

Actions prohibited
on a public transport
vehicle.

- (a) smoking;
- (b) playing offensive or excessively loud music;
- (c) using obscene or offensive language;
- (d) committing an offensive act;
- (e) interfering with the comfort of any passenger;
- (d) committing an offensive act;
- (e) interfering with the comfort of any passenger;
- (f) damaging anything and interfering with the equipment of the public transport vehicle in any way;
- (g) forcibly causing the driver to deviate from his route;
- (h) interfering with the actions of the driver;
- (i) showing or displaying any pornographic material;
- (j) spitting; and
- (l) Taking Alcoholic drinks.

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20. A driver of a passenger-carrying vehicle must carefully examine the vehicle after a trip, and if a passenger has left behind any property in the vehicle, the driver must—

Property left in
public transport
vehicles.

- (a) deliver that property to the person who left it behind; or
- (b) if the driver is unable to deliver that property to the person who left it behind, take the property, as soon as possible, to submit the lost property to the office of his or her employer or to the nearest police station, deposit it with the officer on duty and obtain an acknowledgement note for it.

21. (1) No person may park or allow to be parked a public transport vehicle other than in a place designated for specific public transport vehicles.

Obstruction and
disruption of traffic.

(2) No public transport vehicle may traverse a pedestrian crossing when stopping to enable passengers to be picked up or dropped off.

(3) No public transport vehicle may park in a designated parking place any longer than is required to enable waiting passengers to be picked up or dropped off.

22. (1) A pedestrian may cross a public road only at a pedestrian crossing or an intersection or at a distance further than 50 metres from such pedestrian crossing or intersection.

Duties of
pedestrians.

(2) Where a marked pedestrian crossing exists at an intersection, a pedestrian may only cross the intersection within the marked pedestrian crossing.

(3) Where a traffic-control light signal, which embodies pedestrian signals, operates at an intersection, a pedestrian may not commence to cross the roadway in a pedestrian crossing at the intersection while the red light of a pedestrian signal is displayed in the direction opposite to that in which he or she is proceeding.

(4) Where no pedestrian signals are operating at an intersection, but such intersection is controlled by a

traffic- control light signal, a pedestrian may not commence to cross the roadway in a pedestrian crossing at the intersection while the red light of the traffic-control light signal is displayed in the direction opposite to that in which he or she is proceeding.

(5) Where a traffic-control light signal, which embodies pedestrian signals, are operating at a pedestrian crossing elsewhere than at an intersection, a pedestrian may only commence to cross the roadway in the pedestrian crossing when the green light of the pedestrian signal is displayed in the direction opposite to that in which he or she is proceeding.

(6) A pedestrian shall not carelessly, negligently or recklessly disregard, or endanger his or her own safety, or the safety of a person or vehicle using a public road.

(7) A person who contravenes the provisions of this section commits an offence and is liable on conviction to a fine not exceeding twenty thousand shillings, or to imprisonment for a term not exceeding three months, or to both

23. No person shall on a public road use the sounding device or hooter of a vehicle except when such use is necessary in order to comply with the provisions of this Act or any other law or on the grounds of safety.

Use of hooter.

24. (1) Subject to any other law, no person shall drive a motor vehicle on a public road while holding, using or operating a cellular or mobile telephone or any other communication device in one or both hands or with any other part of the body unless such a cellular or mobile telephone or other communication device is affixed to the vehicle or is part of the fixture in the vehicle and remains so affixed while being used or operated, or is specially adapted or designed to be affixed to the person of the driver as headgear, and is so used.

Prohibition on use of communication device while driving.

(2) An authorised officer may, in the public interest and safety of the public, confiscate and impound a hand held communication device used in contravention of (a)

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above.

(3) The authorised officer must identify himself when confiscating any hand held communication device pursuant to subsection (2)—

- (a) inform the owner of such communication device of the reasons of confiscating and impounding;
- (b) issue an acknowledgement note to the owner of such hand held communication device, stating the place at which such device may be claimed; and
- (c) follow all procedures contained in any policy of the County dealing with the confiscation and impoundment of property.

25. (1) A person who contravenes a provision of this Part commits an offence. General Penalty.

(2) A person who commits an offence referred to in subsection (1) and for which no other penalty is prescribed is, on conviction, liable to a fine not exceeding Fifty Thousand Shillings or to imprisonment for a term not exceeding three years, or to both.

26. The County Government shall install street lights within the County with special attention to the following areas— County to install street lighting.

- (a) major traffic routes;
- (b) high crime urban areas;
- (c) town centres;
- (d) pedestrian crossings; and
- (e) pedestrian subways.

27. The Department shall be responsible for the maintenance of streetlights within the County roads and urban areas. Maintenance of street lights.

28. (1) No person shall willfully or carelessly cause damage to any streetlight. Damage to street lights.

(2) Any person who contravenes the provisions of this

section shall, upon conviction be liable to a fine not exceeding thirty thousand shillings or to a term of imprisonment not exceeding one month, or to both.

PART V—PROVISIONS ON PARKING AND RELATED MATTERS

29. No person shall park or permit a vehicle to be parked on a public road contrary to a traffic sign or in a manner that impedes the flow of traffic.

Parking in a public road.

30. Unless required or permitted by this Act or by a traffic control device, or in compliance with the directions of a traffic officer, or to avoid conflict with other traffic, no person shall stop or park a vehicle—

Prohibited parking areas.

- (a) at an intersection nearer than ten (10) metres to the projection of the curb line immediately ahead or immediately to the rear;
- (b) within ten (10) metres on the approach to a stop sign or yield signs;
- (c) within five (5) metres of any fire hydrant, or when the hydrant is not located at the curb, within five (5) metres of the point on the edge of the roadway nearest the hydrant;
- (d) within ten (10) metres of the approach to a pedestrian crossing;
- (e) on a sidewalk;
- (f) facing oncoming traffic;
- (g) on any bridge or approach to any bridge;
- (h) in a passenger loading or unloading space posted as such by a traffic control device except when actually taking or discharging passengers;
- (i) on any portion of a public road posted as “No Parking”;
- (j) on any land owned by the county which the

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county uses or permits to be used as a playground, recreation area, utility lot, or public park, except in such areas designated or posted for parking;

- (k) on any space posted as a fire lane except for emergency vehicles;
- (l) on any space posted for disabled persons parking unless such vehicle is designated as a disabled persons vehicle;
- (m) in a transit zone except a transit vehicle;
- (n) in such a manner so as to obstruct an emergency exit;
- (o) in such a manner so as to obstruct the entrance or exit of a fire hall or ambulance station.

31. Notwithstanding any other provision in this Act, the department through any of its authorised officers or employees, may cause moveable signs to be posted on or near a highway to indicate "No Parking", or "Street Maintenance" and when so posted, such signs shall take precedence over all other traffic control devices.

'No parking' and
'street
maintenance'.

32. (1) Any vehicle parked contrary to the provisions of this act or any national laws in force may be towed away at the owner's expense.

Towing away of
vehicle.

33. (1) No person shall park a vehicle on any alley unless a traffic control device otherwise permits, except for the following purposes—

Parking on alleys.

- (a) the loading or unloading of goods from a commercial vehicle for a reasonable period;
- (b) the loading or unloading of goods or passengers from a vehicle other than a commercial vehicle for a reasonable period.

(2) Notwithstanding the provisions of subsection (1) above, no person, while loading or unloading passengers or goods, shall park in such a manner as may obstruct the passage of other vehicles along the alley.

(3) Any person who contravenes the provisions of this section commits an offence and is, upon conviction be liable to a fine not exceeding twenty thousand shillings or to a term of imprisonment not exceeding three months, or to both.

34. No person shall park a vehicle or permit a vehicle to be parked on private property without the permission or authorization of the owner of the private property or a person having lawful possession or control of the private property.

Parking on private property.

35. (1) A person shall not park or permit to be parked, a trailer upon any public road unless the said trailer is attached to a vehicle by which it may be propelled or drawn and when so attached, the trailer shall be deemed part of the vehicle and subject to the provisions pertaining to vehicles.

Parking of trailers.

(2) The Board shall advise the Executive member on places to be designated and reserve such places for parking of trailers, lorries and trucks carrying large cargo either within the County or in transit within the County.

(3) Upon identification and demarcation of parking places, the Executive Member shall publish in the County Gazette such places reserved as Parking spaces.

(4) The Board shall maintain and manage such county parking spaces and shall levy charges for parking of public vehicles.

(5) Any person wishing to either park a fleet of vehicles in a yard or enclosed place within the County shall first obtain a Licence from the Board upon application in prescribed form and subject to payment of requisite fees.

(6) Any person who contravenes the provisions of this section commits an offence and is, upon conviction be liable to a fine not exceeding twenty thousand shillings or to a term of imprisonment not exceeding three months, or to both.

(7) Any person who contravenes the provisions of this section commits an offence and is, upon conviction

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be liable to a fine not exceeding fifty thousand shillings or to a term of imprisonment not exceeding six months, or to both.

36. No person shall park or permit to be parked a vehicle that is not a taxicab, in an area designated as a taxi zone.

Parking on taxi zone.

37. (1) The operator of a taxicab shall, except when answering a call, not park the taxicab upon any roadway other than within a taxi zone, unless such taxicab is displaying a "Not for Hire" sign and the operator is out of the taxicab.

Parking a taxi cab within a taxi zone with 'Not for Hire' sign.

(2) Nothing in this part shall be construed as allowing parking contrary to any other provision of this Act.

38. Notwithstanding the establishment of a taxi zone on a roadway, an operator of a taxicab stopping or parking in such a zone shall comply with the requirements of this Act.

Compliance by taxicabs.

39. (1) When parking a vehicle on a roadway, a person shall only park a vehicle—

Parallel parking.

- (a) with the sides of the vehicle parallel to the kerb or edge of the roadway, and the right wheels of the vehicle not more than five hundred (500) millimeters from the right kerb or edge of the roadway; or
- (b) in the case of a one-way highway where parking on either side is permitted, with the sides of the vehicle parallel to the kerb or edge of the roadway, the wheels that are the closest to a kerb or edge of the roadway not more than five hundred (500) millimeters from that kerb or edge, and the vehicle facing in the direction of travel authorized for the highway.

(2) A person who contravenes the provisions of this section commits an offence and is liable on conviction to a fine not exceeding ten thousand shillings, or to imprisonment for a term not exceeding three months, or

to both.

40. When a sign indicates that angle parking is permitted or required, and no parking guidelines are visible on the roadway—

Angle parking where no parking guidelines are visible.

- (a) a person may only park a vehicle with the vehicle's sides at an angle of between thirty (30) and sixty (60) degrees to the curb or edge of the roadway; and
- (b) in the case of a vehicle other than a motorcycle, with the nearest wheel not more than five hundred (500) millimeters from the curb or edge of the roadway; or
- (c) in the case of a motorcycle, with the nearest wheel of the motorcycle not more than five hundred (500) millimeters from the curb or edge of the roadway, and the motorcycle angled adjacent to the lane on which the motorcycle is parked.

PART VI — SERVICE STANDARDS AND CHARGES

41. (1) Every corporation, person or public transport service providers performing a transport service in the county, shall provide, with respect thereto, such service and facilities as shall be safe, just, reasonable and adequate and in all respect.

Safe and adequate service; just and reasonable charges.

(2) All charges made or demanded by any corporation, person or transport service provider for the transportation of passengers or property or for any service rendered or to be rendered in connection therewith shall be just and reasonable and not more than allowed by law or by order of the director of transport and made as authorized by this Act.

(3) Every unjust or unreasonable charge made or demanded for any such service or transportation of passengers or property or in connection therewith or in excess of that allowed by law or by order of the director is prohibited.

(4) All transport service providers have a general duty

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to deal reasonably with customers and adequately address customer complaints.

42. Any person who vandalizes road signs or furniture commits an offence and will be liable on conviction to a fine not exceeding one hundred thousand shillings (ksh 100,000) or an imprisonment for a term not exceeding six months or both.

Vandalizing road signs.

43. Every county transport service provider shall file with the department of transport and shall print and keep open to public inspection schedules showing the rates, fares and charges for the transportation of passengers and property within the county between each point upon its route and all other points thereon; and between each point upon its route and all points upon every route leased, operated or controlled by it.

Publication of tariff schedules.

44. (1) Unless the county director of transport otherwise orders, no change shall be made in any rate, fare or charge, or joint rate, fare or charge, which shall have been filed and published by a county transport service provider in compliance with this Act, except after thirty (30) days' notice to the director.

Changes in fares and charges.

(2) The director, for good cause shown, may allow changes in rates without requiring the thirty days' notice and publication herein provided for, by duly filing and publishing in such manner as he may direct an order specifying the change so made and the time when it shall take effect; all such changes shall be immediately indicated upon its schedules by the county transport service provider.

PART VII—LIGHT RAILWAY INFRASTRUCTURE

45. The County Traffic Department may develop light railway works in the county and in connection thereto may maintain, improve or repair the light railway.

Development of Light railway.

46. (1) An authorised officer may, on production of his or her authorisation if so requested by any person affected, for the purposes of this part enter on any land and —

Power to enter upon land.

- (a) inspect and survey the land and to make any inquiry, investigation or examination for the purpose of ascertaining whether or not the land is suitable for the purposes of the construction of a light railway;
- (b) carry out any investigation or examination thereon preliminary or incidental to the purposes aforesaid;
- (c) bring thereon such other persons or equipment as he or she may reasonably consider necessary for the purposes of his or her functions under this section;
- (d) line sight, drill, bore, probe or excavate, or take such samples and carry out such tests as he or she reasonably considers necessary or expedient for the purposes of such functions.

(2) Before an authorised officer enters any dwelling house pursuant to *subsection (1)*, such person shall obtain the consent of any owner or occupier of the dwelling house and the consent so requested shall not be unreasonably withheld.

47. (1) The County Transport Department may make regulations generally for the purposes of giving effect to this part.

Regulation of light railway.

(2) The Department may make regulations for the management, control, operation and the regulation of a light railway and in relation to the repair, improvement, extension and development thereof and, without prejudice to the generality of the foregoing, in relation to any one or more of the following matters—

- (a) the regulation of the times of arrival and departure of light railway vehicles;
- (b) the prevention of the commission of nuisances in or upon light railway vehicles;
- (c) the prevention of damage to light railway vehicles;

- (d) the removal from or the prohibition of the use on a light railway line of any vehicle or thing which is or may become a danger to life, health, the operation or maintenance of a light railway or would otherwise interfere with the proper operation of a light railway;
- (e) the fixing, altering, charging and recovery of fares, fees, tolls and charges in respect of the travelling upon or use of light railway vehicles;
- (f) the general regulation, subject to any statutory provisions in that behalf, of the travelling upon or use of light railway vehicles and the working of light railway transport services by the Board; and
- (g) the safe custody and redelivery or disposal of any property found on or in any light railway vehicles of the County and the fixing of charges in respect thereof.

(3) Regulations under this section may contain such incidental, subsidiary and ancillary provisions as the Department considers necessary or expedient for the purposes of the regulations.

(4) A person who contravenes a regulation under this section shall be guilty of an offence and shall be liable upon conviction to a fine not exceeding five hundred thousand shillings or to imprisonment for a term not exceeding 1 year or to both.

48. A person who trespasses on a light railway that is not on a public road or trespasses on any land, machinery or equipment used for the purposes of the light railway shall be guilty of an offence and shall be liable on conviction to a fine not exceeding shillings fifty thousand shillings.

Trespass on a railway.

49. A person who grazes animals along a light railway line, tarmac or murram road or crosses with animals or causes animals to cross a light railway line, tarmac or murram road at undesignated points or without giving

Grazing animals without notice.

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sufficient notice to other road or railway users commits an offence and shall be liable on conviction to a fine not exceeding Ten thousand shillings (ksh 10,000) or to an imprisonment for a term not exceeding six months or both.

50. A person who uses or attempts to use a vehicle on a light railway with flange wheels or wheels suitable only for use on the rails of a light railway without the written consent of the Department shall be guilty of an offence and shall be liable on conviction to a fine not exceeding five hundred thousand shillings or to imprisonment for a term not exceeding six months or to both.

Use of a Vehicle on
a light railway.

51. A person who obstructs or interferes with or assists a person to obstruct or interfere with any person in the performance of a function conferred on that person under this part shall be guilty of an offence and shall be liable on conviction to a fine not exceeding five hundred thousand shillings or to imprisonment for a term not exceeding one year or to both.

Obstructing
authorized officers.

PART VIII— GENERAL PROVISIONS

52. The Executive Member may, pursuant to this Act make any further regulations for the better carrying out and administration of this Act, and without prejudice to the foregoing, may make regulations in respect of the following—

Power to make
regulations.

- (a) matatu termini;
- (b) taxi- cabs;
- (c) motor cycles;
- (d) midi Buses;
- (e) group transportation;
- (f) schools and institutional transportation; and
- (g) public oversight of projects undertaken under this Act.

53. (1) The Board shall formulate regulations for use

Motorcycles.

and control of Motorcycles, tricycles as a means of transport within the County transport and the Executive Member shall, on advice of the Board, publish such regulations in the county gazette.

(2) No person may ride or use a motorcycle or tricycle for transport business without first obtaining a licence from the Board established under this Act or exemption from the Executive Member.

(3) The use of bicycles, tuk tuks or motorcycles is prohibited within Central Business Districts of Eldoret town, on dual carriage highways passing through the Urban areas.

(4) Any person who operates public transport business or rides a motorcycle or tricycle within any urban centre in the County or along any busy streets in contravention of the provisions of this Act commits an offence and shall on conviction be liable to a fine not exceeding fifty thousand shillings or to imprisonment for a term not exceeding three months.

54. This Act repeals all by laws in respect of transport in the county in force before the coming into effect of this Act.

Repeal of by-laws.

55. The Member of the Executive Committee shall, in consultation with the County Public Service Board, National Government Ministry responsible for roads and transport, formulate and implement administrative measures to ensure smooth and orderly transition to the legal regime established by this Act.

Duty to ensure smooth transition.