

Approved for tabling *But*

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4/12/19

PARLIAMENT OF KENYA



THE NATIONAL ASSEMBLY

TWELFTH PARLIAMENT - THIRD SESSION

PARLIAMENT
OF KENYA
LIBRARY

THE DEPARTMENTAL COMMITTEE ON TRANSPORT, PUBLIC WORKS AND HOUSING

REPORT ON

THE CONSIDERATION OF PETITION REGARDING POOR DRAINAGE DESIGN OF THE
NAKURU-NYAHURURU INTERCHANGE

THE NATIONAL ASSEMBLY
PAPERS LAID

DATE: 04 DEC 2019

DAY:
WED

TABLED
BY:

Hon. David Prakashy MP
Chairperson.

CLERK-AT
THE-TABLE:

A. Uhibuko

Published by:-

THE CLERK'S CHAMBERS
NATIONAL ASSEMBLY
PARLIAMENT BUILDINGS
NAIROBI

OCTOBER, 2019

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1.0 PREFACE

On behalf of the Departmental Committee on Transport, Public Works and Housing and pursuant to provisions of Standing Order 199 (6), it is my pleasant privilege and honour to present to this House the Report on the Petition on poor drainage design of the Nakuru-Nyahururu Interchange

The Petition was tabled before the House pursuant to Standing Order 225 (2) (a) by the Hon. David Gikaria, M.P, Member of Nakuru Town East Constituency

Pursuant to Standing Order 227 (1), the Petition was referred to the Departmental Committee on Transport, Public Works and Housing for consideration and preparation of a report within 60 days.

1.1 Mandate of the Committee and Membership

a) Mandate

The Departmental Committee on Transport, Public Works and Housing is established under Standing Order 216(1) whose mandate, pursuant to the Standing Order 216 (5), is as follows;

- a. investigate, inquire into, and report on all matters relating to the mandate, management, activities, administration, operations and estimates of the assigned Ministries and departments;
- b. study the programme and policy objectives of Ministries and departments and the effectiveness of the implementation;
- c. study and review all legislation referred to it;
- d. study, assess and analyze the relative success of the Ministries and departments as measured by the results obtained as compared with their stated objectives;
- e. investigate and inquire into all matters relating to the assigned Ministries and departments as they may deem necessary, and as may be referred to them by the House;
- f. to vet and report on all appointments where the Constitution or any law requires the National Assembly to approve, except those under Standing Order 204 (*Committee on Appointments*);
- g. examine treaties, agreements and conventions;
- h. make reports and recommendations to the House as often as possible, including recommendation of proposed legislation;

- i. make reports and recommendations to the House as often as possible, including recommendation of proposed legislation;
- j. consider reports of Commissions and Independent Offices submitted to the House pursuant to the provisions of Article 254 of the Constitution; and
- k. Examine any questions raised by Members on a matter within its mandate.

Further, the Second Schedule to the Standing Orders mandates the Committee to consider matters relating to the following subjects:-

- a) Transport;
- b) Roads;
- c) Public works;
- d) Construction and maintenance of roads, rails and buildings;
- e) Air and seaports; and
- f) Housing.

In executing this mandate, the Committee oversees various State Departments, namely:

- i. The State Department of Transport;
- ii. The State Department of Infrastructure;
- iii. The State Department of Housing and Urban Development;
- iv. The State Department of Public Works; and
- v. The State Department of Shipping and Maritime Affairs.

b) Committee Membership

The Departmental Committee on Transport, Public Works & Housing was constituted by the House on Thursday 14th December 2017 comprising of the following Members:-

	Names	Party	Constituency
1.	Hon. David Pkosing (Chairman)	Jubilee	Pokot South
2.	Hon. Moses Kuria (Vice Chair)	Jubilee	Gatundu South
3.	Hon. Dominic Kipkoech Koskei	Jubilee	Sotik
4.	Hon. Peris Pesi Tobiko	Jubilee	Kajiado East
5.	Hon. Kulow Maalim Hassan	EFP	Banissa
6.	Hon. Mugambi Murwithania Rindikiri	Jubilee	Buuri
7.	Hon. Samuel Arama	Jubilee	Nakuru Town West
8.	Hon. Shadrack John Mose	Jubilee	Kitutu Masaba
9.	Hon. Rigathi Gachagua	Jubilee	Mathira
10.	Hon. Rehema Dida Jaldesa	Jubilee	Isiolo
11.	Hon. Ahmed Bashane Gaal	PDP	Tarbaj
12.	Hon. David Njuguna Kiaraho	Jubilee	Oi Kalou
13.	Hon. Johnson Many Naicca	ODM	Mumias West
14.	Hon. Tom Mboya Odege	ODM	Nyatike
15.	Hon. Suleiman Dori Ramadhani	ODM	Msambweni
16.	Hon. Ahmed Abdisalan Ibrahim	ODM	Wajir North
17.	Hon. Gideon Mutemi Mulyungi	WDP	Mwingi Central
18.	Hon. Savula Ayub Angatia	ANC	Lugari
19.	Hon. Vincent Kemosi Mogaka	Ford K	West Mugirango

c) Committee Secretariat

- | | |
|-----------------------------|-------------------------------|
| 1) Ms. Chelagat Tungo Aaron | First Clerk Assistant |
| 2) Mr. Ahmed Salim Abdalla | Second Clerk Assistant |
| 3) Ms. Mercy Wanyonyi | Legal Counsel |
| 4) Mr. James Muguna | Research Officer |

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|-----------------------------|-------------------------|
| 5) Mr. Collins Mahamba | Audio Officer |
| 6) Mr. Abdinasir Moge Yusuf | Fiscal Analyst |
| 7) Ms. Zainabu Wario | Sergeant at Arms |
| 8) Mr. Yeziel Jilo | Sergeant at Arms |

1.2 Committal and Consideration of the Petition

Pursuant to the provisions of Standing Orders 227 (1), the Petition was referred to the Departmental Committee on Transport, Public Works and Housing for consideration and preparation of a report within 60 days.

The Committee proceeded with the consideration of the Petition by holding meetings to set up terms of reference and scheduling meetings.

In considering the Petition, the Committee invited and held meetings with the officials from the Ministry of Transport and Infrastructure as well Hon. David Gikaria, M.P, Member for Nakuru Town East Constituency on behalf of the Petitioners. The meetings were aimed at responding to issues raised by the Petitioners.

1.3 Committee Observations

Having held meetings and considered the submissions presented on the Petitions, the Committee observed that:-

1.4 Response to the Prayers in the Petition

The Petitioners had prayed that the National Assembly through the Committee Transport, Public Works and Housing:-

1. Intervenes and recommends to the Ministry of Transport, Public Works and Housing and other relevant agencies to revisit the design with a view to resolve destructive drainage problems;
2. Recommends to the Ministry of Transport, Public Works and Housing the relevant Government agencies to assess the damage caused to residents by the waters and have affected families duly compensated; and
3. Makes any other recommendations it may deem fit in the circumstances of the Petition.

In response to the above prayers, the Committee recommends that:-

1. The Ministry of Transport, Public Works and Housing and other relevant agencies to revisit the design of the Nakuru-Nyahururu interchange with a view of resolving destructive drainage problems.
2. KeNHA to ensure that the section of 15 meters from Kenya Railways between the highways and the Oginga Oginga is lined and has signage.
3. The Hon Member reports back to the Committee within three months if dissatisfied with the Ministry's work.

1.5 Adoption of the Report

We, the members of the Departmental Committee on Transport, Public Works and Housing have, pursuant to Standing Order 199, adopted this Report on the consideration of the Public Petition by Hon. David Gikaria, M.P, and Member of Nakuru Town East Constituency regarding poor drainage design of the Nakuru- Nyahururu Interchange. We affix our signatures to affirm our approval and confirm its accuracy, validity and authenticity today, Tuesday 1st October, 2019.

1. Hon. David Pkosing CBS, M.P

Chairperson

2. Hon. Moses Kuria, M.P.

Vice Chairperson

3. Hon. Samuel Arama, M.P.

4. Hon. David Njuguna Kiaraho, M.P.

5. Hon. Johnson Many Naicca, M.P.

6. Hon. Rigathi Gachagua, M.P

7. Hon. Peris Pesi Tobiko, M.P.

8. Hon. Suleiman Dori Ramadhani, M.P.

9. Hon. Savula Ayub Angatia, M.P.

10. Hon. Ahmed Abdisalan Ibrahim, M.P.

11. Hon. Ahmed Bashane Gaal, M.P.

12. Hon. Dominic Kipkoech Koskei, M.P.

13. Hon. Gideon Mutemi Mulyungi, M.P.

14. Hon. Kulow Maalim Hassan, M.P.

15. Hon. Mugambi M. Rindikiri, M.P.


16. Hon. Rehema Dida Jaldesa, M.P.

17. Hon. Shadrack John Mose, M.P.

18. Hon. Tom Mboya Odege, M.P.

19. Hon. Vincent Kemosi Mogaka, M.P.

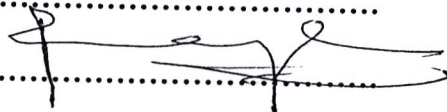

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1.6 Acknowledgment

The Committee wishes to sincerely thank the Offices of the Speaker and the Clerk of the National Assembly for the support and services extended to the Members to enable the Committee complete this report within the given timelines.

I am grateful to the Members of the Committee whose support enabled the Committee to accomplish this task. Special thanks to the Secretariat for their technical support during the compilation of the report.

On behalf of the Committee, and pursuant to Standing Orders 227(2) of the National Assembly, It is my honor and privilege to present these report to the House for consideration and adoption of the Committee Report on poor drainage design of the Nakuru- Nyahururu Interchange.

SIGNED  DATE..... 01/10/2019.....

HON. DAVID PKOSING, CBS, M.P

CHAIRPERSON,

DEPARTMENTAL COMMITTEE ON TRANSPORT, PUBLIC WORKS & HOUSING

2.0 BACKGROUND INFORMATION

- 2.1 The Petition by the residents of Nakuru Town East Constituency was presented to the House by the Hon. David Gikaria, MP, Member for Nakuru Town East Constituency on 8th May, 2019 pursuant to Standing Order 225 (2)(a).
- 2.2 Pursuant to House rules, the Petition was referred to the Departmental Committee on Transport, Public Works and Housing for consideration and preparation of a report within 60 days. The Committee considered the Petition pursuant to the provisions of Standing Order 227.
- 2.3 The Petitioners wished to draw the attention of the House to the following:-
1. **THAT**, an efficient and well-designed road infrastructure and network is a catalyst for economic growth facilitating rapid movement of goods, people and services and reducing traffic snarl-up and;
 2. **THAT**, the Government, through the Kenya National Highways Authority (KeNHA) commenced an elaborate programme of eliminating roundabouts and T-junctions on major highways across the county;
 3. **THAT**, among the targeted junctions was the Nakuru-Nyahururu T-Junction, KeNHA built an interchange that became operational in May, 2018;
 4. **THAT**, instead of reducing traffic within the Nakuru Town Central Business District as was hoped by the residents, the lack of a connecting road between the interchange and Oginga Odinga Avenue has negated the expected benefits of the interchange;
 5. **FURTHER THAT**, in addition, the Nakuru-Nyahururu turn-off interchange drainage system overflows with water from the uplands of Bahati constituency, Milimani and Kenya Industrial Training Institute (KITI) areas and drains immediately after the interchange around Kivumbini, a densely populated residential area;
 6. **THAT**, the volume of rain water has increased after the construction of the interchange which directed the waters to the densely populated areas in Kivumbi Ward, hence causing death and destruction of properties;
 7. **THAT**, so far, there has been no information from the relevant authorities on whether a connecting road will be constructed and drainage improved to re-direct the water away from the interchange;

8. **THAT**, efforts to have the matters raised in this Petition addressed by the Kenya National Highways Authority, the Kenya Urban Roads Authority and Kenya Railways have not yielded any fruit;
9. **THAT**, the issues in respect of which this Petition is made are not pending before any court of law, constitutional or legal body;

2.4 The Petitioners prayed that the National Assembly through the Departmental Committee for Transport, Public Works and Housing:-

1. Intervenes and recommends to the Ministry of Transport, Public Works and Housing and other relevant agencies to revisit the design with a view to resolve destructive drainage problems;
2. Recommends to the Ministry of Transport, Public Works and Housing the relevant Government agencies to assess the damage caused to residents by the waters and have affected families duly compensated; and
3. Makes any other recommendations it may deem fit in the circumstances of the Petition.

3.0 SUBMISSIONS AND EVIDENCE

After the committal of the Petition, the Committee commenced on its consideration by inviting the Hon. David Gikaria, MP and the Ministry of Transport. During the meeting, written and oral evidence was adduced before the Committee.

3.1 SUBMISSION FROM THE PETITIONER

The Hon. David Gikaria, took the Committee through the Petition.

The Member informed the Committee that the design of the interchange was the problem. He informed the Committee that when it rains, dirty water from the flyover comes down directly to the vehicles under. He further submitted that the road had no parking slots left.

The Hon. Member explained that, for instance, people coming from Nyahururu going to Nairobi had no alighting place. He noted that all connecting roads end at one point, making the area prone to accidents.

He was concerned about the welfare of primary school pupils who cross the road frequently and did not have clear designated crossing points on the road.

3.2 SUBMISSION FROM THE MINISTRY OF TRANSPORT PUBLIC WORKS AND HOUSING

Kenya Railways submitted that they handed over the land around the road to the Kenya National Highways Authority and that they had no influence over the project design.

Kenya National Highways Authority explained that there was a section of 15 meters from Kenya Railways which KeNHA tarmacked but it was not lined. They submitted that it will be lined to help carry the siltation.

The Committee was further informed that the County Government of Nakuru had a program to improve the drainage downwards.

The Ministry submitted that lining between the highways and the Oginga Oginga Street will be done immediately by the contractor.

The Ministry further submitted that signage will also be done by the same contractor.

The Principal Secretary further submitted to the Committee by addressing the Petition vis-a-vis the Ministry's response as follows: -

S/No	ISSUE RAISED	RESPONSE
1	An efficient and well-designed road infrastructure and network is a catalyst for economic growth facilitating rapid movement of goods, people and services reducing traffic snarl up	Agreed.
2	The Government through the Kenya National Highways Authority (KeNHA) commenced an elaborate programme of eliminating roundabouts and T-junctions on major highways across the country	It is true that Kenya National Highways Authority (KeNHA) started a traffic capacity enhancement programme in the main intersections/ junctions.
3	Among the targeted junctions was the Nakuru – Nyahururu T-junction, KeNHA built an interchange that became operational in 2018	Agreed.
4	Instead of reducing traffic within the Nakuru Town Central Business District as was hoped by the residents, the lack of a connecting road between the interchange and Oginga Odinga avenue has negated the expected benefits of the Interchange	This was only the case at the time when the interchange became operational in May 2018 because the Kenya Railways originally did not allow the level crossing to Oginga Odinga Avenue as per the design. However, the Kenya Highways Authority engaged the Kenya Railways Corporation who eventually accepted the interchange to be finished as designed with the connecting road which was completed by end of November 2018.

5	The Nakuru – Nyahururu turn-off interchange drainage system overflows with water from the uplands of Bahati Constituency, Milimani and Kenya Industrial Training Institute (KITI) areas and drains immediately after the interchange around Kivumbini, a densely populated residential area;	It is correct that the Interchange area is low lying compared to the areas of Bahati Constituency, Milimani and Kenya Industrial Training Institute (KITI) and storm water from these areas flows across the Highway (the interchange) through the cross culverts that are provided, as well as across the railway line and Oginga Odinga road downhill through the section 58 to the Lake Nakuru below. Due to the changing land use and continued increase in the build environment around these areas, increased storm water outflow from these areas has resulted to choking of the drainage system, hence causing the flooding. This flooding is not as a result of poor drainage of the interchange.
6	The Volume of rainwater has increased after the construction of the interchange, which directed the waters to the densely populated areas in Kivumbini Ward, hence causing death and destruction of properties.	As responded in (5) above, the increased storm water is not as a result of the construction of the interchange but the changing land use without corresponding improvement of the existing systems. The effect of interchange is only the fact that the interchange’s drainage system was improved without corresponding improvement of the other existing drainage downstream that was outside the scope and jurisdiction of the Interchanges Contract.
7	So far, there has not been no information from the relevant authorities on whether a connecting road will be constructed, and drainage improved to re-direct the water away from the interchange.	The connecting road was constructed across the railway line to connect with Oginga Odinga road and was completed by November 2018
8	Efforts to have the matters raised in this Petition addressed by the Kenya Highways Authority, the Kenya Urban Roads Authority and Kenya Railways have not yielded any fruit.	It is as a result of the matters raised that the road connecting the Interchange and Oginga Odinga avenue has been constructed and is operational.

In addition, the ministry submitted that KURA had taken the following measures to mitigate against destruction caused by the flooding

- Construction of a lined drain along Oginga Odinga to collect the water and connecting it to the recently upgraded Mombasa road in Nakuru town.
- Construction of storm water drains along Mombasa road that connects to an existing storm water drain in Kivumbini area which eventually discharges to Lake Nakuru.

- Liaising with Nakuru County Government on the need to increase the capacity of the drain in Kivumbini area.

The Ministry further submitted that as indicated above it was not in a position to compensate families affected by the waters due to the fact that the increased storm water was not as a result of the construction of the interchange but the changing land use without corresponding improvement of the existing systems.

4.0 COMMITTEE OBSERVATIONS AND RECOMMENDATION


4.1 OBSERVATIONS

1. A section of 15 meters from Kenya Railways between the highways and the Oginga Oginga which KeNHA tarmacked was not lined.
2. There is no signage between the highways and the Oginga Oginga Street.
3. KURA had constructed a line drain along Oginga Odinga to collect the water and connecting it to the recently upgraded Mombasa road in Nakuru town.
4. KURA had constructed storm water drains along Mombasa road that connects to an existing storm water drain in Kivumbini area which eventually discharges to Lake Nakuru.

4.2 RECOMMENDATIONS

The Committee having heard from the officials makes the following recommendation, that:-

4. The Ministry of Transport, Public Works and Housing and other relevant agencies to revisit the design of the Nakuru-Nyahururu interchange with a view of resolving destructive drainage problems.
5. KeNHA to ensure that the section of 15 meters from Kenya Railways between the highways and the Oginga Oginga is lined and has signage.
6. The Hon Member reports back to the Committee within three months if dissatisfied with the Ministry's work.

 THE NATIONAL ASSEMBLY PAPERS LAID	
DATE: 04 DEC 2019	DAY: WED
TABLED BY:	HON. DAVID PKOSHY MP Chairperson A. Imbuku

**MINUTES OF THE FIFTY FIRST (51ST) SITTING OF THE DEPARTMENTAL COMMITTEE
ON TRANSPORT, PUBLIC WORKS & HOUSING HELD ON TUESDAY, 18TH JUNE 2019 AT
10.00 A.M. IN COMMITTEE ROOM ON 4TH FLOOR, CONTINENTAL HOUSE, WITHIN
PARLIAMENT BUILDINGS**

MEMBERS PRESENT

1. Hon. David Pkosing, M.P. - Chairperson
2. Hon. Suleiman Dori Ramadhani, M.P.
3. Hon. Ahmed Abdisalan Ibrahim, M.P.
4. Hon. Dominic Kipkoech Koskei, M.P.
5. Hon. Johnson Many Naicca, M.P.
6. Hon. Kulow Maalim Hassan, M.P.
7. Hon. Mugambi Murwithania Rindikiri, M.P.
8. Hon. Peris Pesi Tobiko, M.P.
9. Hon. Rigathi Gachagua, M.P.
10. Hon. Vincent Kemosi Mogaka, M.P.

MEMBERS ABSENT WITH APOLOGY

1. Hon. Moses Kuria, M.P. - Vice Chairperson
2. Hon. Savula Ayub Angatia, M.P.
3. Hon. David Njuguna Kiaraho, M.P.
4. Hon. Shadrack John Mose, M.P.
5. Hon. Tom Mboya Odege, M.P.
6. Hon. Samuel Arama, M.P.
7. Hon. Ahmed Bashane Gaal, M.P.
8. Hon. Gideon Mutemi Mulyungi, M.P.
9. Hon. Rehema Dida Jaldesa, M.P.

SECRETARIAT

1. Mr. Ahmed Salim - Clerk Assistant III
2. Ms. Mercy Wanyonyi - Legal Counsel I
3. Mr. Abdinasir Moge - Fiscal Analyst I
4. Mr. James Muguna - Research Officer III
5. Mr. Collins Mahamba - Audio Officer

6. Ms. Zainab Wario

- Sergeant-at-arm

MIN No. TPWH 229/2019: PRELIMINARIES

The meeting was called to order at ten minutes past ten o'clock, with a word of prayer from the Hon. Dominic Koskei, M.P. The agenda was confirmed as being consideration of the Traffic Amendment Bill, 2019, legislative proposal on the National Transport and Safety (Amendment) Bill, 2019, legislative proposal on the Kenya Roads (Amendment) Bill and a petition regarding poor drainage design of the Nakuru-Nyahururu Interchange. The Committee adopted the agenda while modifying the order of the agenda.

MIN No. TPWH 230/2019: CONFIRMATION OF MINUTES OF THE PREVIOUS SITTINGS

Confirmation of minutes of the previous sitting was deferred to the next sitting of the Committee.

MIN No. TPWH 231/2019: CONSIDERATION OF THE PETITION PRESENTED BY. HON DAVID GIKARIA, MP REGARDING POOR DRAINAGE DESIGN OF THE NAKURU-NYAHURURU INTERCHANGE

Members of the Committee were taken through the petition regarding poor drainage design of the Nakuru-Nyahururu interchange (petition number 44 of 2019) as presented by the Member for Nakuru Town East Constituency, Hon. David Gikaria, MP. The Committee resolved that it will invite the Ministry to respond to the petition on a date to be confirmed by the Committee later.

MIN No. TPWH 232/2019: CONSIDERATION OF A LEGISLATIVE PROPOSAL ON THE NATIONAL TRANSPORT AND SAFETY (AMENDMENT) BILL, 2019 BY HON. SYLVANUS OSORO ONYIENGO, MP

Members of the Committee were taken through the Legislative Proposal on the National Transport and Safety (Amendment) Bill, 2019 By Hon. Sylvanus Osoro Onyiengo, MP. The Committee noted that the subject matter fell within the mandate of the National Transport and Safety Authority (NTSA) which was moved to the Ministry for Interior. The Committee resolved that the Chairman will write to the Speaker of the National Assembly seeking clarification on the extent of the mandate of the Committee vis-à-vis the Executive Order moving the NTSA from the Ministry of Transport to the Ministry of Interior, keeping in mind the existing legal framework establishing the NTSA.

MIN No. TPWH 233/2019:

**CONSIDERATION OF THE TRAFFIC (AMENDMENT) BILL,
2019 (NATIONAL ASSEMBLY BILL NO. 28) SPONSORED BY
HON. JUDE NJOMO, MP**

Members of the Committee were taken through the Traffic (Amendment) Bill, 2019 (National Assembly Bill No. 28) Sponsored by Hon. Jude Njomo, MP. The Committee noted that the subject matter fell within the mandate of the National Transport and Safety Authority (NTSA) which was moved to the Ministry for Interior. The Committee resolved that the Chairman will write to the Speaker of the National Assembly seeking clarification on the way forward.

MIN No. TPWH 234/2019:

**CONSIDERATION OF THE KENYA ROADS (AMENDMENT)
LEGISLATIVE PROPOSAL, 2018 BY HON. JUDE NJOMO,
MP**

Members of the Committee were taken through the Kenya Roads (Amendment) Legislative Proposal, 2018 by Hon. Jude Njomo, MP. The Committee resolved that the Clerk writes to the Kenya National Highways Authority and the Kenya Roads Board to seek their views or comments on the proposed Bill.

MIN No. TPWH 235/2019:

ADJOURNMENT

There being no other business, the sitting was adjourned at one minute to eleven in the morning. The next meeting to be held on Thursday, 20th June 2019

Signed.....



(Chairperson)

Date.....

MINUTES OF THE SIXTY FIRST (61ST) SITTING OF THE DEPARTMENTAL COMMITTEE ON TRANSPORT, PUBLIC WORKS & HOUSING HELD ON THURSDAY, 19TH SEPTEMBER 2019 AT 10.00 AM. IN 5TH FLOOR, CONTINENTAL HOUSE, WITHIN PARLIAMENT BUILDINGS

MEMBERS PRESENT

1. Hon. David Pkosing, M.P. - Chairperson
2. Hon. Moses Kuria, M.P. - Vice Chairperson
3. Hon. Samuel Arama, M.P.
4. Hon. Ahmed Bashane Gaal, M.P.
5. Hon. Dominic Kipkoech Koskei, M.P.
6. Hon. Kulow Maalim Hassan, M.P.
7. Hon. Mugambi Murwithania Rindikiri, M.P.
8. Hon. Gideon Mutemi Mulyungi, M.P.
9. Hon. Rehema Dida Jaldesa, M.P.
10. Hon. Rigathi Gachagua, M.P.
11. Hon. Shadrack John Mose, M.P.
12. Hon. Tom Mboya Odege, M.P.

MEMBERS ABSENT WITH APOLOGY

1. Hon. David Njuguna Kiaraho, M.P.
2. Hon. Ahmed Abdisalan Ibrahim, M.P.
3. Hon. Suleiman Dori Ramadhani, M.P.
4. Hon. Peris Pesi Tobiko, M.P.
5. Hon. Savula Ayub Angatia, M.P.
6. Hon. Johnson Manya Naicca, M.P.
7. Hon. Vincent Kemosi Mogaka, M.P.

SECRETARIAT

1. Ms. Chelagat Tungo Aaron - Clerk Assistant I/Lead Clerk
2. Mr. Ahmed Salim - Clerk Assistant II

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|------------------------|---|------------------|
| 3. Mr. James Muguna | - | Research Officer |
| 4. Mr. Moses Kariuki | - | Sergeant-at-arm |
| 5. Mr. Collins Mahamba | - | Audio Officer |

IN ATTENDANCE

- | | | |
|------------------------------|---|---|
| 1. Hon. Beatrice Adagala, MP | - | Member for Vihiga |
| 2. Hon. Shariff A. Ali, MP | - | Member for Lamu East |
| 3. Hon. Dennitah Ghati, MP | - | Nominated Member |
| 4. Mr. James Macharia, EGH | - | Cabinet Secretary, Transport |
| 5. Prof. P. M. Maringa | - | Principal Secretary, SDI, MTIHUD&PW |
| 6. Mrs. Esther Koimett | - | Principal Secretary, SDT, MTIHUD&PW |
| 7. Mr. Patrick M. Bucha | - | Secretary, State Department of Housing |
| 8. Eng. Francis Gitau | - | Ag. DG, NAMATA |
| 9. Eng. P. M. Mundinia | - | DG, KeNHA |
| 10. Eng. David Muchilwa | - | D(Dev), KeNHA |
| 11. Eng. Samuel Mwangi | - | Dep. Director (Roads), for DG KeRRA |
| 12. Mr. John Muya | - | Ag. Director Corporate Services, NAMATA |

MIN No. TPWH 314/2019: PRELIMINARIES

The Chairman called the meeting to order at 10.00 am. The meeting was then opened with a word of prayer. Members were informed that the agenda of the meeting was to receive responses to questions under the Committee from the Cabinet Secretary, Ministry of Transport, Infrastructure, Housing and Urban Development.

MIN No. TPWH 315/2019: CONFIRMATION OF MINUTES OF THE PREVIOUS

The confirmation of minutes of the previous sittings was deferred to a later date.

MIN No. TPWH 316/2019: PETITION REGARDING POOR DRAINAGE DESIGN OF THE NAKURU-NYAHURURU INTERCHANGE (PETITION NUMBER 44 OF 2019)

The Committee considered the draft Report on consideration of the public petition regarding Poor Drainage Design of the Nakuru-Nyahururu Interchange (Petition Number 44 of 2019) by Hon. David Gikaria, Member for Nakuru Town East Constituency. The Report was adopted, the proposer being Hon. Dominic Koskei and the seconder being Hon. Shadrack Mose.

MIN No. TPWH 317/2019: **QUESTION NUMBER 348/2019 BY HON. SARAH KORERE MP, LAIKIPIA NORTH**

The Member for Laikipia North wanted the Cabinet Secretary to provide details of the status of the construction and rehabilitation of the Doldol – Nanyuki Road (C51) whose contract was awarded in 2017.

The question was deferred.

MIN No. TPWH 318/2019: **QUESTION NUMBER 369/2019 BY HON. PAUL NZENGU MP, MWINGI NORTH CONSTITUENCY**

The Member for Mwingi North Constituency wanted the Cabinet Secretary to explain the rationale as to why there is a disjointed tarmac road between Kamuwongo Market and Kandwia Market in Mwingi North Constituency where a middle section on the said stretch of the road is not tarmacked.

The question was deferred.

MIN No. TPWH 319/2019: **QUESTION NUMBER 363/2019 BY HON. BEATRICE ADAGALA MP, VIHIGA COUNTY**

The Member for Vihiga County wanted the Cabinet Secretary to consider rehabilitating Kima – Stendkisa, Shamakhokho – Serem, Kima – Majengo and Gambogi – Serem roads in Vihiga County which are in deplorable state and which becomes impassable during rainy seasons

The question was responded to satisfactorily. Response tabled

MIN No. TPWH 320/2019: **QUESTION NUMBER 371/2019 BY HON. SABINA CHEGE MP, MURANG'A COUNTY**

The Member for Murang'a County wanted the Cabinet Secretary to explain why the construction of Kangema-Kanyenyaini-Kiriri-Karurumo road which serves thousands of farmers, traders and

motorists in accessing Kanyenyaini Tea Factory, Gakira and Kanyenyaini markets, has stalled despite having been funded.

The Member did not turn up and therefore the question was dropped.

**MIN NO. TPWH 321/2019: QUESTION NUMBER 373/2019 BY HON. SHARIF
ATHMAN ALI MP, LAMU EASTCONTITUENCY**

The Member for Lamu East Constituency wanted the Cabinet Secretary to explain the status of compensation to persons affected by the acquisition of land for the development of the Lamu Port - South Sudan – Ethiopia - Transport (LAPSSET) Corridor project in Lamu.

The question was responded to satisfactorily. Answer tabled.


**MIN No. TPWH 322/2019: QUESTION NUMBER 390/2019 BY HON.
DENNITAH GHATI MP, (NOMINATED MEMBER)**

The Hon. Member wanted the Cabinet Secretary to explain the implementation status of the Bus Rapid Transit System (BRT) by the National Government and measures put in place to cater for the requirements of persons living with disabilities in regard to the use of BRT.

The question was responded to satisfactorily. Answer tabled.

MIN No. TPWH 323/2019: ADJOURNMENT

There being no other business to transact, the sitting adjourned forty five minutes past eleven o'clock. Next meeting to be held on notice.

Signed.....

(Chairperson)

Date.....

Hon. speaker
The may approve
8/5/19



REPUBLIC OF KENYA
TWELFTH PARLIAMENT (THIRD SESSION)
THE NATIONAL ASSEMBLY

(No. 44 of 2019)

PUBLIC PETITION

Approved.
Bat
8/5/19

REGARDING POOR DRAINAGE DESIGN OF THE NAKURU-
NYAHURURU INTERCHANGE

I, the **UNDERSIGNED**, on behalf of residents of Nakuru Town East Constituency,

DRAW the attention of House to the following:

1. **THAT**, an efficient and well designed road infrastructure and network is a catalyst for economic growth facilitating rapid movement of goods, people and services and reducing traffic snarl-up and;
2. **THAT**, the Government, through the Kenya National Highways Authority (KenHA) commenced an elaborate programme of eliminating roundabouts and T-junctions on major highways across the country;
3. **THAT**, among the targeted junctions was the Nakuru-Nyahururu T-junction, KenHA built an interchange that became operational in May 2018;
4. **THAT**, instead of reducing traffic within the Nakuru Town Central Business District as was hoped by the residents, the lack of a connecting road between the interchange and Oginga Odinga Avenue has negated the expected benefits of the interchange;
5. **FURTHER THAT**, in addition, the Nakuru-Nyahururu turn-off interchange drainage system overflows with water from the uplands of Bahati constituency, Milimani and Kenya Industrial Training Institute (KITI) areas and drains immediately after the interchange around Kivumbini, a densely populated residential area;
6. **THAT**, the volume of rain water has increased after the construction of the interchange, which directed the waters to the densely populated areas in Kivumbini Ward, hence causing death and destruction of properties;

**PUBLIC PETITION REGARDING POOR ROAD DESIGN OF THE
NAKURU-NYAHURURU INTERCHANGE**


7. **THAT**, so far, there has been no information from the relevant authorities on whether a connecting roads will be constructed and drainage improved to re-direct the water away from the interchange;
8. **THAT**, efforts to have the matters raised in this Petition addressed by the Kenya National Highways Authority, the Kenya Urban Roads Authority and Kenya Railways have not yielded any fruit;
9. **THAT**, the issues in respect of which this Petition is made are not pending before any court of law, constitutional or legal body;

THEREFORE, your humble Petitioners pray that the National Assembly through the Departmental Committee on Transport, Public Works and Housing –

- i) Intervenes and recommends to the Ministry of Transport, Public Works and Housing and other relevant agencies to revisit the design with a view to resolve destructive drainage problems;
- ii) recommends to the Ministry of Transport, Public Works and Housing the relevant Government agencies to assess the damage caused to residents by the waters and have affected families duly compensated; and
- iii) makes any other recommendations it may deem fit in the circumstances of the Petition.

And your **PETITIONERS** will ever pray.

PRESENTED BY:



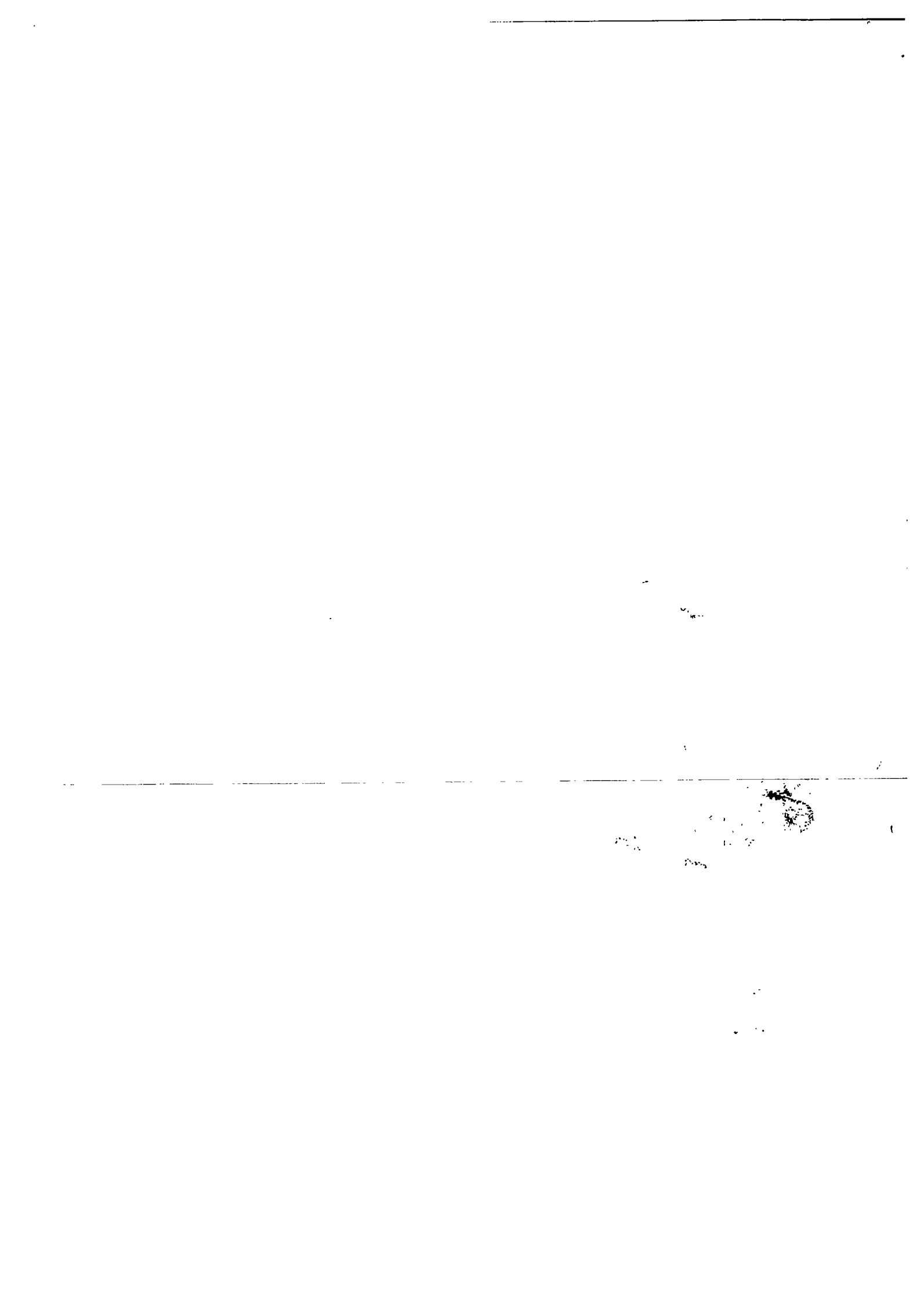
HON. DAVID GIKARIA, MP
MEMBER FOR NAKURU TOWN EAST CONSTITUENCY

DATE:..... 7 / 5 / 2017

PUBLIC PETITION

REGARDING POOR ROAD DESIGN OF THE NAKURU-NYAHURURU INTERCHANGE

S/NO	NAME OF PETITIONER	ID NUMBER	CONTACT	SIGNATURE
1.	Joseph KARIUKI	29312726	0700 211 292	
2.	PETROZE AKUNDA	29674260	0707 958 922	
3.	Chenoi Chuo	22954352	0705737521	
4.	PRINCE ESTER	93717119	0721230226	
5.	VIOLET MWENESI	13736281	0772777380	
6.	Jane Mwangi	27633416	0734912787	
7.	Naomi Wanjiru	20105279	071822632	
8.	DALLEN KWAMBORA	2144818	0720882553	
9.	Josephine Kwambora	12801800	0726963487	
10.	Ndirangu Kinyaga	110006373	0712382723	
11.	IRENE OCHIEKU	27040724	0723317852	
12.	Huka Ngunya	5500924	0720942417	
13.	Benard Gikonyo	8847339	0724229280	
14.	Lean Kamau	13464604	0721608496	
15.	Rebecca Nyambura	22415962	0723211388	
16.	Douglas Wanjiru	23621736	0720477108	
17.	ESTHER WANJA	3206048	0706772424	
18.	GRACE WACUKA	22726949	0710347619	
19.				





**MINISTRY OF TRANSPORT, INFRASTRUCTURE, HOUSING,
URBAN DEVELOPMENT AND PUBLIC WORKS**

STATE DEPARTEMENT OF INFRASTRUCTURE

**Speaker of the National Assembly
Parliament Buildings
NAIROBI**

**PETITION REGARDING POOR DRAINAGE DESIGN OF THE NAKURU-
NYAHURURU INTERCHANGE (PETITION NUMBER 44 OF 2019)**

Reference is made to your letter from the Clerk of the National Assembly Ref.NA/DCS/TPWH/CORR/2019/075 dated 4th July,2019 on the above matter. Our responses to the petition raised therein are as indicated below: -

I'd like to take this opportunity to thank the Members of the Committee for raising this matter that touches on the social aspect of our Infrastructure. In this regard, I would like to address the petition vis-a-vis our response as follows: -

S/No	ISSUE RAISED	RESPONSE
1	An efficient and well-designed road infrastructure and network is a catalyst for economic growth facilitating rapid movement of goods, people and services reducing traffic snurl up	Agreed.
2	The Government through the Kenya National Highways Authority (KeNHA) commenced an elaborate programme of eliminating roundabouts and T-junctions on major highways across the country	It is true that Kenya National Highways Authority (KeNHA) started a traffic capacity enhancement programme in the main intersections/ junctions.
3	Among the targeted junctions was the Nakuru – Nyahururu T-junction,	Agreed.

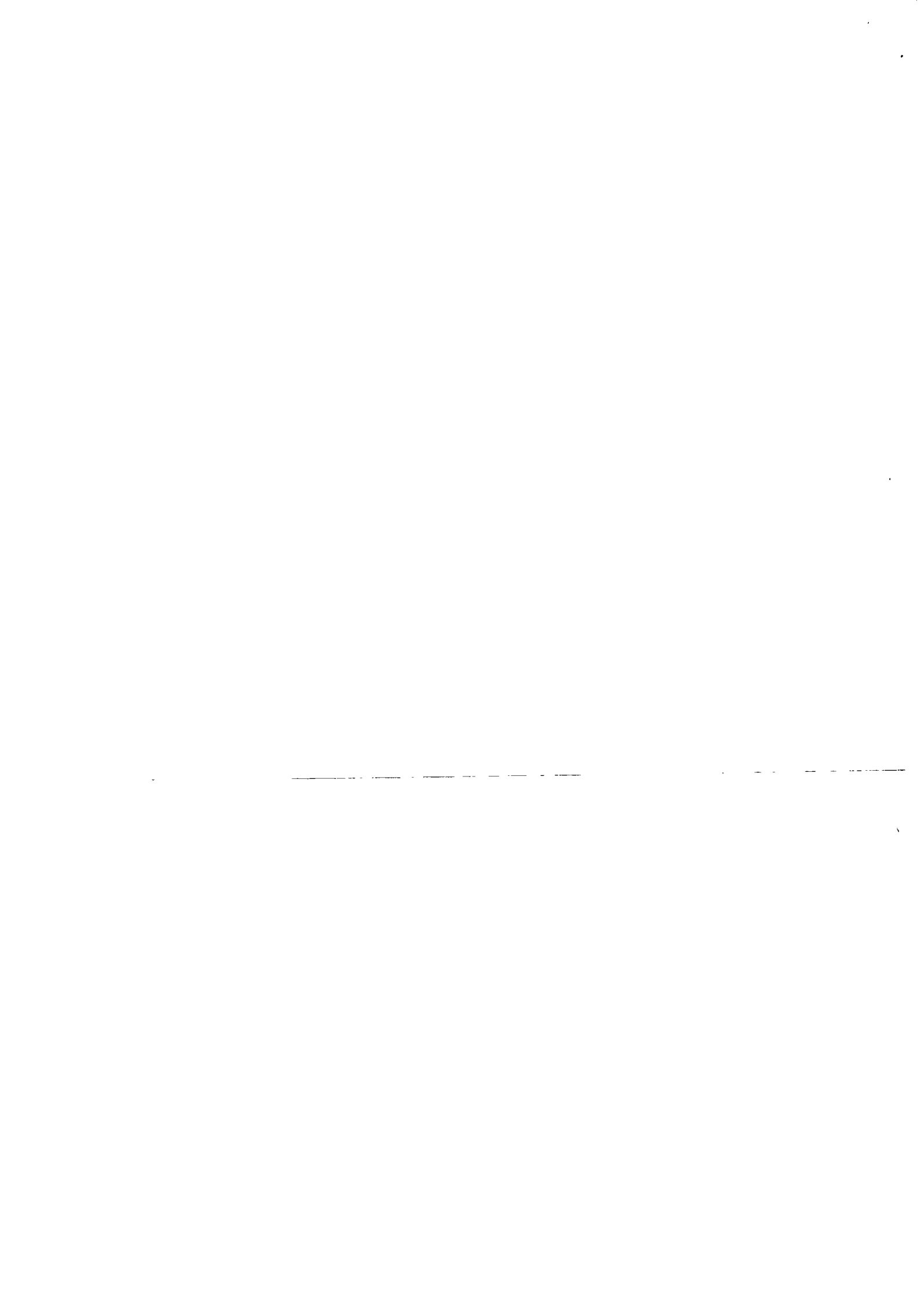
	KeNHA built an interchange that became operational in 2018	
4	Instead of reducing traffic within the Nakuru Town Central Business District as was hoped by the residents, the lack of a connecting road between the interchange and Oginga Odinga avenue has negated the expected benefits of the Interchange	This was only the case at the time when the interchange became operational in May 2018 because the Kenya Railways originally did not allow the level crossing to Oginga Odinga Avenue as per the design. However, the Kenya Highways Authority engaged the Kenya Railways Corporation who eventually accepted the interchange to be finished as designed with the connecting road which was completed by end of November 2018.
5	The Nakuru – Nyahururu turn-off interchange drainage system overflows with water from the uplands of Bahati Constituency, Milimani and Kenya Industrial Training Institute (KITI) areas and drains immediately after the interchange around Kivumbini, a densely populated residential area;	It is correct that the Interchange area is low lying compared to the areas of Bahati Constituency, Milimani and Kenya Industrial Training Institute (KITI) and storm water from these areas flows across the Highway (the interchange) through the cross culverts that are provided, as well as across the railway line and Oginga Odinga road downhill through the section 58 to the Lake Nakuru below. Due to the changing land use and continued increase in the build environment around these areas, increased storm water outflow from these areas has resulted to choking of the drainage system, hence causing the flooding. This flooding is not as a result of poor drainage of the interchange.
6	The Volume of rainwater has increased after the construction of the interchange, which directed the waters to the densely populated areas in Kivumbini Ward, hence causing death and destruction of properties.	As responded in (5) above, the increased storm water is not as a result of the construction of the interchange but the changing land use without corresponding improvement of the existing systems. The effect of interchange is only the fact that the interchange's drainage system was improved without corresponding improvement of the other existing drainage downstream that was outside the scope and jurisdiction of the Interchanges Contract.
7	So far, there has not been no information from the relevant authorities on whether a connecting road will be constructed, and drainage	The connecting road was constructed across the railway line to connect with Oginga Odinga road and was completed by November 2018

	improved to re-direct the water away from the interchange.	
8	Efforts to have the matters raised in this petition addressed by the Kenya Highways Authority, the Kenya Urban Roads Authority and Kenya Railways have not yielded any fruit.	It is as a result of the matters raised that the road connecting the Interchange and Oginga Odinga avenue has been constructed and is operational.

In addition, KURA has taken the following measures to mitigate against destruction caused by the flooding

- Construction of a lined drain along Oginga Odinga to collect the water and connecting it to the recently upgraded Mombasa road in Nakuru town.
- Construction of storm water drains along Mombasa road that connects to an existing storm water drain in Kivumbini area which eventually discharges to Lake Nakuru.
- Liaising with Nakuru County Government on the need to increase the capacity of the drain in Kivumbini area.

As indicated above, the Ministry is not in a position to compensate families affected by the waters due to the fact that the increased storm water is not as a result of the construction of the interchange but the changing land use without corresponding improvement of the existing systems.



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Website: www.krc.co.ke



Ref: KR/ID-RD/RMGR/FL010

Date: 15th July, 2019

The Clerk of National Assembly
Parliament Buildings
P.O Box 41842-00100
NAIROBI

Dear *SV*

**RE: PETITION REGARDING POOR DRAINAGE DESIGN OF THE
NAKURU - NYAHURURU INTERCHANGE (PETITION NUMBER 44
OF 2019)**

Reference is made to your letters Ref: NA/DCS/TPWH/CORR/2019/075 dated 4th July, 2019 on the above subject matter.

Kenya Railways (KR) surrendered 2.02 hectares of its land comprising of 15m strip measured 15 metres from the Centre line of the railway track to Kenya National Highway Authority, at the Kunzite Hotel Junction in year 2015 for construction of Nakuru - Nyahururu interchange.

KeNHA being the project proponent were to ensure they mitigated any adverse effects emanating from the project. KR reminded KeNHA of their obligation vide a letter Ref: CAC 4/7 Vol. 6 dated September 2016 (herewith attached for reference) in which KR requested KeNHA to address the drainage issues at railway kilometrage Km 709/5. However, KeNHA did not adequately address the issue.

The current situation on the ground is as follows:-

1. At km 708.375, there is a 600mm diameter pipe culvert crossing the road but no corresponding culvert on the railway track leading to channelling of water and debris to the railway line and railway reserve.
2. At km 708.73, there is a 900 mm diameter pipe culvert crossing A104 road that feeds onto a 900mm pipe culvert crossing the railway track. However, there is no corresponding culvert on the road to Section 58 leading to flooding of water on the railway reserve and the adjacent houses.

Yours *Sincerely*

A handwritten signature in black ink, appearing to be 'PM' with a flourish.

Phillip J. Mainga

Aq. MANAGING DIRECTOR

P.O. Box 30121-00100, Nairobi, Kenya
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Ref: CAC 4/7 Vol.6

September 28, 2016

Eng. Peter Mundinia
Director General
Kenya National Highways Authority
P.O. Box 49712-00100
NAIROBI

Dear

RE: CONSTRUCTION OF THREE INTERCHANGES ALONG A104 AT NYAHURURU TURN-OFF (JUNCTION A104/B5) ACQUISITION OF 2.02 HA OF KENYA RAILWAYS LAND AT KUNSTE HOTEL JUNCTION IN NAKURU TOWN

We refer to our various correspondences on the subject matter.

KeNHA acquired 2.02ha of KR land comprising a 15m strip of land measured from 15m from the centerline of the track at the Kunste Hotel junction as detailed in the drawing submitted through letter Ref: KeNHA/SP/KTSSP/1380/ Vol. 4/81253 dated November 4, 2015.

We conducted a site visit at the location and noted the following:

1. The road has encroached on railway land with the edge of road shoulder and centerline of drain being 13m and 11m from the centerline of track respectively (Km 708/7-opposite hotel Kunste) while the centerline of the side drain is at 9m from centerline of track at Km 709/5);
2. Storm water from road B5 and road A104 has been channeled to the railway track with the culvert discharging storm water on the track at a location where no railway culvert exists. This is undermining the track formation and therefore track stability (Km 708/7-opposite hotel Kunste);
3. Storm water from road A104 has been channeled through a 900mm diameter pipe culvert that is feeding to a 450mm diameter railway culvert (Km 709/5)

We note that these activities are in violation of the acquisition agreement and have introduced risk to the safety of train operations.

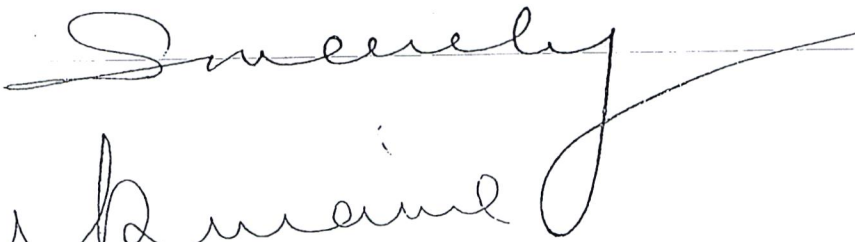
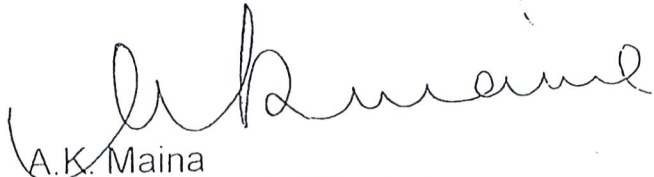
In this regard therefore, we advise that:

1. All structures encroaching on the railway reserve be removed immediately and all road structures including side drains be maintained within the acquired 15m road corridor. The remaining railway 15m corridor is to be maintained clear of any structures for management of railway risks;
2. For all road drainage structures discharging water to the railway track, an equivalent sized drainage structure shall be provided across the track to discharge the water safely across the railway line. The railway outlet shall be cleared to ensure the safe discharge of all such waters across the railway line. These works shall be done at your cost.
3. Where such works cannot be undertaken, you will be required to block all such waters from accessing the railway track and provide for alternative drainage of the storm water.

Please note that all works shall be done at your cost. The construction of the drainage structures across the railway line and any other works that may affect the safety of railway operations shall be done under the supervision of RVR.

Your immediate action is required so as to ensure the safety of railway operations. In the meantime, you are advised to stop all the road construction works on the railway reserve.

Yours

A.K. Maina

MANAGING DIRECTOR

Copy to:- Mr. Isaiah O. Okoth
Group Chief Executive Officer
Rift Valley Railways (K) Ltd.
P.O. Box 62502-00200
NAIROBI