



REPUBLIC OF KENYA

REGULATORY IMPACT ASSESSMENT

FOR

KENYA ROADS (ROADSIDE STATIONS) REGULATIONS, 2026

FEBRUARY, 2026

This Regulatory Impact Assessment (RIA) has been prepared by the Ministry of Roads and Transport pursuant to Section 6 and 7 of the Statutory Instruments Act (No. 23 of 2013).

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Abbreviations

AIDs	Acquired Immunodeficiency Syndrome
AU	African Union
EAC	East African Community
COMESA	Common Market for Eastern and Southern Africa
HIV	Human Immunodeficiency Virus
KeNHA	Kenya National Highways Authority
KeRRA	Kenya Rural Roads Authority
(KURA	Kenya Urban Roads Authority
NC	Northern Corridor
NCTTCA	Northern Corridor Transit and Transport Coordination Authority
SIA	Statutory Instruments Act, No. 23 of 2013
RIS	Regulatory Impact Statement
RSSs	Roadside Stations
RIA	Regulatory Impact Assessment
SADC	Southern African Development Community
TMEA	Trade and Markets East Africa
UK	United Kingdom
UNECA	United Nations Economic Commission for Africa
USA	United States of America

1 INTRODUCTION

1.1 Requirements Under the Statutory Instruments Act, 2013

1.1.1 Legislative process for subsidiary legislation

The Statutory Instruments Act, No. 23 of 2013 (SIA) is the legal framework governing the conduct of Regulatory Impact Statement (RIS) in Kenya. Sections 6 and 7 require that *if a proposed statutory instrument is likely to impose significant costs on the community or a part of the community, the regulation-making authority shall, prior to making the statutory instrument, prepare a regulatory impact statement about the instrument.*

The Act further sets out certain key elements that must be contained in the RIS namely:

- (a) a statement of the objectives of the proposed legislation and the reasons;
- (b) a statement explaining the effect of the proposed legislation;
- (c) a statement of other practicable means of achieving those objectives, including other regulatory as well as non-regulatory options;
- (d) an assessment of the costs and benefits of the proposed statutory rule and of any other practicable means of achieving the same objectives; and
- (e) the reasons why the other means are not appropriate.

Section 5 of SIA requires that a regulation-making authority to conduct public consultations drawing on the knowledge of persons having expertise in fields relevant to the proposed statutory instrument and ensuring that persons likely to be affected by the proposed statutory instrument are given an adequate opportunity to comment on its proposed content.

1.1.2 What is a Regulatory Impact Statement?

Regulatory Impact Statement is a systematic policy tool used to examine and measure the likely benefits, costs, and effects of new or existing regulations. A RIS is an analytical report to assist decision makers to arrive at an informed policy decision. As an aid to decision making RIS includes an evaluation of possible alternative regulatory and non-regulatory approaches with

the overall aim of ensuring that the final selected regulatory approach provides the greatest net public benefit. Typically, the structure of a RIS should contain the following elements:

- (a) title of the proposal;
- (b) the objective and intended effect of the regulatory policy;
- (c) an evaluation of the policy issue;
- (d) consideration of alternative options;
- (e) an assessment of their impacts and distribution;
- (f) results of public consultation;
- (g) compliance strategies, and
- (h) processes for monitoring and evaluation¹.

RIA is usually conducted before a new government regulation is introduced to provide a detailed and systematic appraisal of the potential impact of a new regulation to assess whether the regulation is likely to achieve the desired objectives. RIS promotes evidence-based policymaking as new regulations typically lead to numerous impacts that are often difficult to foresee.

From a societal viewpoint, the RIA should confirm whether a proposed regulation is welfare-enhancing, in that, the benefits will surpass costs. RIS therefore has objectives of improving understanding of the real-world impact of regulatory action, including both the benefits and the costs of action, integrating multiple policy objectives, improving transparency and consultation; and enhancing governmental accountability.

1.2 Regulatory-Making Authority and the Legal Mandate

Kenya Road Act 2007 establishes the three Road Authorities:

- (a) Kenya National Highways Authority (KeNHA) is responsible for the management, development, rehabilitation and maintenance of national trunk roads classified as classes A, B, and C Roads.

¹ Regulatory Policy Division Directorate for Public Governance and Territorial Development: Building an Institutional Framework for Regulatory Impact Analysis (RIA): Guidance for Policy Makers. OECD, 2008

(b) Kenya Rural Roads Authority (KeRRA) is responsible for the management, development, rehabilitation and maintenance of rural roads classified as classes D, E, and unclassified rural Roads.

(c) Kenya Urban Roads Authority (KURA) is responsible for management, development, rehabilitation and maintenance of all public roads in cities and municipalities.

KeNHA is responsible for the management, development, rehabilitation and maintenance of national roads including constructing, upgrading, rehabilitating and maintaining roads under its control, controlling national roads and road reserves and access to roadside developments and implementing road policies in relation to national roads, among others.

KeRRA is responsible for or the management, development, rehabilitation and maintenance of rural roads including constructing, upgrading, rehabilitating and maintaining roads under its control, controlling reserves for rural roads and access to roadside developments and implementing road policies in relation to rural roads.

KURA is responsible for the management, development, rehabilitation and maintenance of all public roads in the cities and municipalities in Kenya except where those roads are national roads including constructing, upgrading, rehabilitating and maintaining roads under its control, controlling urban road reserves and access to roadside developments and implementing roads policies in relation to urban roads.

Section 46 empowers the Authorities to make regulations for the better performance of its functions and in particular, to make regulations:

- (a) relating to the use, safety or maintenance of the roads falling within their respective responsibilities;
- (b) relating to the erection of structures on, near, over or under the roads falling within their responsibilities;
- (c) for the drainage of streets, lands, compounds and buildings adjacent to the road;
- (d) respecting the level, width and construction of roads and streets;
- (e) for the removal, demolition or alteration of any projection, structure or thing obstructing a road or likely to cause damage or inconvenience to road users; and
- (f) prescribing the fees payable for services provided by the Authorities.

The Authorities are therefore properly seized of the power to make regulations to:

- (a) provide for the development, operationalization and management of roadside stations;

- (b) provide for the requirements for services and amenities in a roadside station for use by motorists and other roads users;
- (c) enhance road safety through provision of rest facilities for of drivers;
- (d) promote investment and socio-economic development in Kenya;
- (e) enhance safety for cargo on transit;
- (f) strengthen roadside development control; and
- (g) enhance revenue collection by increasing efficiency in the logistics chain along the national roads.

2 CONTEXT AND RATIONALE OF THE PROPOSED REGULATIONS

2.1 CONTEXT

2.1.1 Significance of Road Transport in the African Development Agenda

It is common knowledge that colonial powers and, later, the competing superpowers did not encourage road links between their respective domains in Africa except where it was absolutely necessary to do so. Likewise, the newly independent African states, tightened border restrictions rather than relaxed them as a way of protecting internal trade. Directing scarce financial resources towards internal rather than external priorities culminated in poverty and affected the development of international highways throughout the African Continent.

2.1.2 Present Transport and Mobility Initiatives Across Africa

The development of Transport Corridors and implementation of the African Road Safety Charter, the African Action Plan for the Global Road Safety Decade (2011-2020), the Intergovernmental Agreement on Trans-African Highway Norms and Standards are some of the key developments spearheaded in the various African Union (AU)Transport Declarations, the AU Agenda 2063 flagship projects and its current strategic plan.

These developments are taking place when Africa faces three urgent road transport challenges namely; the continent has the highest rate of road fatalities in the world, it has an unprecedented rate of urbanization (hence the need for more trips between urban centres), and it has the highest transport costs in the world.

2.1.3 The Trans-African Highway Network

The Trans-African Highway network comprises transcontinental road projects in Africa being developed by the United Nations Economic Commission for Africa (UNECA), the African Development Bank (ADB), and the African Union in conjunction with regional international communities. The objective of setting up this highway infrastructure is to promote trade and alleviate poverty and create of road-based trade corridors. The total length of the nine highways in the network is 56,683 km. Out of the nine highways, two cross through Kenya namely:

- (a) Lagos-Mombasa (Mombasa-Nairobi-Malaba); and
- (b) Cairo-Nairobi-Gabon-Cape Town (Namanga-Nairobi-Moyale).

2.1.4 The Northern Corridor Transit and Transport Coordination Authority (NCTTCA)

The Northern Corridor Transit and Transport Coordination Authority (NCTTCA) is an intergovernmental body, encompassing six countries in Eastern Africa, tasked with the job of coordinating transport infrastructure improvements along the Northern Corridor. Road transport accounts for over 90% of cargo transported on the Northern Corridor, the bulk of which is imports.²

The Northern Corridor includes the Port of Mombasa, the international road network, rail networks, inland waterways and pipeline transport. The core element of the Northern Corridor is the port of Mombasa, the largest port in Kenya, which connects Kenya and five other landlocked countries to the sea and with the world economy. The six countries covered by the NCTTCA are Kenya, Uganda, Rwanda, Burundi, South Sudan and the Democratic Republic of the Congo. The Northern corridor also serves northern Tanzania and parts of Ethiopia. The Authority, which is headquartered in Mombasa was established to promote co-operation in transit and transport arrangements with a view to foster an efficient and cost effective transit system along the Northern Corridor (NC).

NCTTCA in its efforts to facilitate trade and transport as well as turn the Corridor into a smart Corridor, imitated a project aimed at establishing Roadside Stations (RSSs) along the Northern Corridor (NC). The RSS programme is to enhance road safety and health along the NC using the RSSs as a launch pad. Other benefits include better health, safety and security for communities along the Northern Corridor and enhanced protection of the environment.

² Study on Establishment of Roadside Stations (RSSs) along the Northern Corridor TMEA/PO/20120301, July 2014

A feasibility Study was carried out to assess all the project aspects. NCTTCA also prepared the Project Investment Papers (PIPs) that packs information for the RSS projects for marketing to prospective Private Investors. The NCTTCA in collaboration with the Ministry of Transport and Infrastructure- Kenya organized an Investors' Conference in the first Quarter of 2015 that put together stakeholders from both private sector and public sector of the all NC Member States and donors.

The following developments towards establishment of an RSS system along the Northern Corridor have taken place:

- (a) The feasibility by the Northern Corridor Office funded by TMEA in 2014 identified 141 locations from Mombasa to DRC Congo for RSSs along the out of which 67 were considered as priority locations. Out of the 67 priority locations, 22 RSS location were identified between Mombasa and Malaba-these were later confirmed by KeNHA as per the Kenya RSS Project Information Paper³.
- (b) The study further identified the need to develop Policies and Regulatory Frameworks for promoting Roadside Station in partnership with the Private Sector.
- (c) After completion of feasibility study, the Northern Corridor developed Regional Guidelines which required each member state to appoint a Task for development of National RSS Guidelines.
- (d) Kenya's RSS Task Force was appointed in 2015 and the draft National RSS Guidelines were subsequently issued in 2018.⁴ The Guidelines have been finalized for validation.
- (e) Develop Roadside Stations were identified as an integral part of Transport Infrastructure Services along the Northern Corridor;
- (f) Kenya RSS investors Conference was held in 2015 during when the RSS concept was introduced to investors, identified potential RSS locations for Private sector uptake and shared available RSS Financing models.
- (g) In September 2020, NC office led other key agencies in conducting a Day Survey of private sector facilities similar to RSS and inspecting their implementation with the objective of:
 - i. observing the uptake of the RSS by the private sector since 2015;
 - ii. inspecting the private sector facilities;
 - iii. taking note of the implementation challenges from the RSS pioneer projects; and
 - iv. taking note of new RSS potential locations for RSS developments.

³ NCTTCA Progress Report on the RSS Program in the Northern Corridor Member States, July 2021

⁴ Eng. Howard A. M Presentation on Roadside Service Station (RSS) Implementation Status in Kenya (undated)

- (h) The team visited and inspected over 20 locations from the Port of Mombasa- to Mala Various starting at Shell Bonje Mombasa and interacted with key RSS players; among them being drivers, truck owners, facility owners, health experts as well as commercial Sex workers. The Team observed various corridor challenges due to lack of decent resting facilities. The survey also identified some 7 facilities which mirrored the standard RSS but required to be upgraded to full RSS. 5 other RSS locations were at conception stage.
- (i) The survey made the following recommendations:
- (i) Need for National and County Governments to support private sector in RSS implementation.
 - (ii) Collaborations of KeNHA and County Governments on RSS implementation.
 - (iii) KeNHA to take lead in hiring consultant for development of National RSS policy and regulations.
 - (iv) Revival of RSS Taskforce stakeholder steering committee.
 - (v) Need for night survey to validate day survey observations.⁵
- (j) A Night Survey to confirm the identified hotspots and identify two (2) most preferred truck stops for RSS piloting by the Authority was conducted the following year. The Issues identified included long working hours which leads to fatigue and hence result to lack of concentration and poor health, exposure of cargo to robbery and truck vandalism due to lack of secure parking.
- (k) The night survey made the following observations:
- (i) Trucks park where there is security, adequate utilities such as water.
 - (ii) Trucks park at KeNHA's lay-by.
 - (iii) The lay-bys are manned by community groups who charge park fees.
 - (iv) Salgaa counted the highest number of truck counted with 921 No.
- (l) The night survey also identified the following two locations for KeNHA piloting:
- (i) Salgaa- High appetite with truck Parking; and
 - (ii) Manyani- Location of 96 Km section Kenya Wildlife.

Therefore, the development of RSS along highways and related transport infrastructure services in partnership with private sector aims at addressing the following challenges:

- (a) issues of road safety and Health;
- (b) Promote Socio-economic development;

⁵ A detailed day survey report may be accessed from www.roadsidestation.org

- (c) Employment creation;
- (d) Security of cargo;
- (e) Organized parking, minor repairs and maintenance; and
- (f) Promote road side markets.

2.1.5 The Northern Corridor RSS Program

The Northern Corridor, is a road which runs from the Port of Mombasa through Kenya to Kampala in Uganda, Kigali in Rwanda, Bujumbura in Burundi and Kisangani in the Democratic Republic of the Congo. It also includes the road from Uganda to the border of South Sudan and from there to Juba⁶. The Northern Corridor Secretariat in an effort to facilitate trade and transport initiated a program aimed at establishing Roadside Stations (RSS) along the Corridor with an aim of transforming the Corridor into a smart Corridor.

The program for developing RSS facilities along the corridor was underpinned in the Northern Corridor Infrastructure Master Plan, the Northern Corridor Spatial Development Program and the Port Community Charter which was launched by the Head of State of the Republic of Kenya.

The current Northern Corridor RSS initiative is based on international best experiences of providing services and facilities for motorists and travelers along major highways. It also draws experience from the Japanese Michinoeki model of Road Side Infrastructure Facilities and Services which have been successfully implemented in Japan.

A fully structured and implemented RSS will not only provide for rest stops but also provide secure parking yards that can be used by other motorists as refreshing stops especially during long journeys.

2.1.6 Kenya Roads Network

The Constitution of Kenya, categorizes Kenyan roads into the national trunk roads and the county roads. Road classification in Kenya takes into account the function the road serves i.e.

- (a) If the Road serves as a link between centres of international importance, crossing international boundaries or terminating at international ports (Class A Roads- International Trunk Roads)

⁶ Study on Establishment of Roadside Stations (RSSs) along the Northern Corridor TMEA/PO/20120301, July 2014

- (b) If the road links nationally important centres, principal towns or urban centres (Class B Roads-National Trunk Roads)
- (c) A road that links provincially important centres to each other or to higher class roads are Class C Roads or Primary Roads
- (d) If a road links locally important centres to each other or to a more important centre, or to a higher class road it is a class D Road (Secondary Road)
- (e) Any road link to a minor centre, market or local center is a Class E Road(Minor Road)

In addition, there are other Classes of road as per usage (Special Roads) i.e;

- (a) Forest Roads Class F Roads
- (b) Roads serving Schools, Hospitals and Government Institutions Class G roads
- (c) Roads leading to Coffee(Kahawa) growing areas Class K Roads
- (d) Roads accessing Settlement Schemes-Class L Roads
- (e) National Park Roads-Class P Roads
- (f) Roads Accessing Rural Areas-Class R
- (g) Roads Accessing Sugar growing areas Class S
- (h) Roads accessing Tea growing Areas-Class T Roads
- (i) Unclassified Rural Roads including those leading to areas with mineral Deposits-Class U Roads
- (j) Roads Accessing Wheat growing Areas-Class W Roads

2.2 RATIONALE

2.2.1 Honoring Kenya's International Obligations

Kenya is a member state of the Northern Corridor Transit and Transport Coordination Authority (NCTTCA) and indeed the host of the Port of Mombasa which is the centre of interest for five countries along the Northern Corridor. The member states agreed, among many other things, to develop legal and policy frameworks to facilitate the establishment of RSS within specific timelines.

2.2.2 Health and Rest Facilities

The lack of adequate facilities for rest and recovery, maintenance, parking and sanitation has had serious effects on drivers using the Northern Corridor route. The situation has resulted in high incidences of diseases (such as HIV and AIDs, Ebola and currently Covid-19 spreading across borders.

2.2.3 Road Safety

The Roadside Stations (RSS) are meant to address driver fatigue, enhance road safety and provide health facilities for travelers along the busy highways. The establishment of Roadside Stations comes as an added value to all the Northern Corridor Member States' efforts in curbing the loss of lives and cargo. Other benefits include socio-economic development and income generation for local communities trading along the corridor. The lack of adequate facilities for rest and recovery, for maintenance, for parking and sanitation have had a serious effect on drivers using the Corridor and has resulted in high incidences of cross border HIV and AIDs, the prevalence of prostitution and exposure of cargo to robbery due to lack of secured parking areas. Road accidents have also been a problem due to lack of resting facilities and designated areas to undertake minor urgent maintenance of vehicles.

2.2.4 Security

Prevalence of sex workers along the Corridor and the exposure of cargo to robbery and other risks due to lack of secured parking areas all add to the prevailing problems.

2.2.5 Minor Vehicle Maintenance

The lack of facilities and designated areas to undertake some minor but urgent maintenance of vehicles can intensify into major problems for long-distance vehicles. Records have shown high incidences of road traffic accidents that were attributed to minor mechanical problems like break failure in long distance heavy commercial vehicles and passenger buses leading to loss of lives and properties estimated in billions of shillings every year. In this regard, the issue of road safety has always been a concern to the Governments and indeed other stakeholders⁷.

2.2.6 Environmental issues

The RSS will help to address these challenges including minimizing environmental impacts arising from ground contamination caused by haphazard disposal of waste. It is expected that, by allowing long distance drivers to have breaks at appropriate intervals and at suitable/secure

⁷ NCTCA Progress Report on the RSS program in the Northern Corridor Member States, July 2021

facilities, a network of well-designed RSS will eliminate driver fatigue and improve security and health for crews, long distance passengers and cargo. This will reduce road accidents and loss of lives and cargo.

2.2.7 Journey Planning

RSS will also reduce transit time through improved travel speeds, better planning and more effective control over drivers' practices by truck owners (limiting unnecessary stops and rationalizing the stop time at each RSS).

Based on a pilot study, some 11 sites have been identified on the route from Mombasa to Kisumu. The selection of these sites was based on the assumption that the intervals between stops should be 100 kilometres, on the assumption that drivers would need to take a break every 2 hours and that the average travel speed would be 30 to 50 kms per hour. On this route, the sites included Mariakani, Voi, Mtito Kiboko, Salama, Mlolongo, Naivasha, Salgaa, Mau Summit, Kericho and Kisumu.⁸

2.2.8 Local Economic Development (LED)

It has a strong bottom-up orientation, it is driven by local stakeholders. It involves a range of stakeholders from the public and private sector, as well as from civil society. It is about improving the competitiveness and attractiveness of the location. It is undertaken for the purpose of employment creation and fostering economic growth.

Once established, the RSS will not only see the establishment of areas to provide rest places, restaurants, health facilities to address fatigue, road safety and health challenges but will also be used as trade centres for the local communities along the highways to sell their produce, arts and crafts. This unique infrastructure will address social issues and directly benefit local economy and communities along the transport corridors.

3 THE CONCEPT OF ROADSIDE STATIONS

Roadside stations are especially intended to provide rest and refreshment facilities for long-distance drivers along national and international trunk roads. They serve as:

⁸ Study on Establishment of Roadside Stations (RSSs) along the Northern Corridor TMEA/PO/20120301, July 2014

- (a) Rest space and refreshment facilities for drivers providing parking yards, public toilets, bathrooms, restaurants, mini groceries, supermarkets, and resting centres;
- (b) Health and wellness centers providing for medical attention and wellness for both drivers, travelers and the local communities;
- (c) Vehicle maintenance centres providing for garages for attendance to vehicle maintenance emergencies;
- (d) Refueling centres;
- (e) Car wash services;
- (f) Mobile banking centres;
- (g) Income generation and local economic development centres with stores and markets that offer necessities to the travelers and allow for local businesses and local communities to showcase and sell their wares, services and resources to corridor users;
- (h) Security offices
- (i) Prayer Chapels;
- (j) Picnic/green spaces; and
- (k) Education and cultural centres providing learning facilities and opportunities for local communities to showcase their cultures and specialized wares to travelers.

3.1 Safety Measures and Standards

A standard RSS shall provide the following safety measures and standards

- (a) Adequate turning radius;
- (b) Adequate sight distance;
- (c) Road signs to guide motorists;
- (d) Adequate lighting;
- (e) Pedestrian crossings;
- (f) Refuges and footpaths;
- (g) Security: security guards;
- (h) CCTV cameras system;
- (i) Perimeter wall;
- (j) Firefighting services;
- (k) Safety markings on the parking bay;
- (l) Media displays and online incident reporting;
- (m) Driver fitness checks;
- (n) Designated locations for dangerous goods; and

- (o) Truck service points.

3.2 Objectives

- (a) Enhance road safety and secure places where the drivers and other motorists can park vehicles, shower, eat and rest. Truck stops, rest stops, and related services;
- (b) Health and wellness Centers to address driver fatigue in addition to providing other benefits to travelers and communities along the Northern Corridor
- (c) Provide stores, markets, and halls for the local businesses and communities to showcase and sell their unique products, services, and resources to the corridor users safely and securely, promoting the local economy.

3.3 Legal Frameworks Pertaining to Road Side Stations

Depending on the RSS development model adopted the following legal issues will come into play:

- (a) Article 40 in particular provides that the State shall not deprive a person of property of any description, or of any interest in, or right over, property of any description, unless the deprivation—
 - (a) results from an acquisition of land or an interest in land or a conversion of an interest in land, or title to land, in accordance with Chapter Five; or
 - (b) is for a public purpose or in the public interest and is carried out in accordance with this Constitution and any Act of Parliament that—
 - (i) requires prompt payment in full, of just compensation to the person; and
 - (ii) allows any person who has an interest in, or right over, that property a right of access to a court of law.
- (b) The import of the above Constitutional provision as read together with the provisions of the Land Act is that where the land identified for development of RSS is privately owned, the relevant government agency will have consider invoking the provisions of the Land Act to compulsorily acquire the land or at least enter into a long term lease before developing the required infrastructure.

- (c) Planning under the Physical and Land Use Planning Act, 2019 and the County Governments Act, 2014 may need to be revised accordingly.
- (d) Special consideration to be made in form of waivers or discounts on fees, trading licenses and other forms of tax to create incentives and encourage private sector application for private RSS projects;
- (e) All business requirements to be simplified, accessible and affordable; and
- (f) Coordination between all public agencies to be enhanced to support ease of compliance and facilitate the application process.
- (g) Other legal frameworks impacting on the RSS project include:
 - (i) the Tripartite (COMESA-EAC-SADC) Regional Guidelines on RSS;
 - (ii) the Northern Corridor RSS Guidelines;
 - (iii) the Roads Act, 2007
 - (iv) the National Environmental Management Act, 2019;
 - (v) the Public Private Partnership Act, 2021;
 - (vi) the Public Procurement and Disposal Act, 2015;
 - (vii) the Building Code; and
 - (viii) Relevant County legislation.

4 ANALYSIS OF THE PROBLEM

4.1 ELEMENTS OF THE PROBLEM

Road transport remains the dominant mode of transport, for both passengers and freight not only in Kenya but also in the EAC and Africa as whole.⁹ The Constitution of Kenya, in the Fourth Schedule, assigns to the National Government the function of setting standards for the construction and maintenance of all public roads. However, the following challenges continue to be faced in relation to establishment of functional RSS system:

4.1.1 Absence of policy and legal frameworks for RSS

It is notable that the national Road Design Manual (RDM) and the construction standards do not incorporate the requirement of setting up RSSs along major highways. Consequently, the few existing informal stations are not only too small and lacking in key amenities but are also

⁹ Study on Development Guidelines on Roadside Service Station (RSS) in the Tripartite (COMESA-EAC-SADC), Draft Final Report (DFR)

not properly regulated by a legal framework. Secondly, there has hitherto been no legal requirements setting standards and minimum amenities to be provided in a RSS. This has resulted to informal RSSs encroaching on road reserves and lacking in adequate space and required amenities. The informal RSSs have indeed been a cause for congestion and increased accidents.

4.1.2 Driver fatigue and resultant high number of road accidents;

According to the 7th UN Global Road Safety Report May, 2023 the number of road traffic deaths continues to rise, with around 1.3 million deaths per year and as many as 50 million injuries. Road traffic injuries are now the leading killer of children and young people aged 5-29 years. In Kenya between 4000 and 4500 peoples die each year while the annual economic loss caused by road carnage is well above 5% of the GDP. This calls for rethinking to put road safety at the core to ensure that roads are safe for all who use them. Road safety is a human right, and this right must not be compromised. People-centered roads and road networks are planned, designed, built and operated to eliminate risks of road traffic fatalities and injuries. The number of vehicles and their sizes is increasing every day, posing an even greater danger to those outside of these vehicles.

4.1.3 Health and wellness

High incidences of diseases such as HIV and AIDs, Ebola and Covid-19 spreading across borders and along major highways have been witnessed.

4.1.4 Insecurity

There is prevalence of sex workers along the highways, truck vandalism and cargo robbery due to lack of secure parking facilities. There are also incidences of illegal setting up of business structures on road reserves and unplanned developments.

4.1.5 Lack of free parking yards

The absence of free parking facilities prompts drivers to stay on the road for unduly long hours and denies them the opportunity to rest, and address minor repairs and maintenance of their vehicles. This also makes effective journey planning impossible,

4.1.6 Environmental concerns

The absence of properly coordinated resting places translates to discarding of waste carelessly thus causing environmental degradation.¹⁰

4.2 RSS Best Practices

The RSS have been developed in a number of countries in Europe, the United States, Japan and Pakistan among others. Here below are some of the concepts developed around the world:

4.2.1 RSS concept in Japan

In Japan, the roadside service stations are known as Michinoeki. There are over 700 Michinoeki throughout the country, whose mandate and scope than is much broader than is normally envisaged for traditional RSSs. They are very much linked into the local economies, are built with the involvement of the local communities and are designed not solely for the use of the truckers who stay at the guest houses but also to stimulate the local economies and provide job opportunities as well as access to a range of facilities including health care, education and training, cultural activities as well as supporting the local restaurants. They, therefore, have a symbiotic relationship with the communities in proximity to them and are a key element in poverty reduction, the provision of health care and local and regional development. The choice of location is therefore critical. These will also be key elements in the design of the RSSs for the Northern Corridor.¹¹

They are designed and developed with the help of local communities. They combine highway rest area facilities with business services from the local communities who sell their products, get medical services, education, and training and conduct cultural activities hence creating connection between them and travelers and empower them economically. The roadside stations are mainly located on national highways tailored to a specific theme to showcase local attractions They play a great role in the local community as they are used as centres for:

- (a) provision of comfortable and safe roadside rest services;
- (b) provision of local products and specialties of the area; and

¹⁰ Deme, D. (2019). Review on Factors Causes Road Traffic Accident in Africa. Journal of Civil Engineering Research & Technology, 1–8. [https://doi.org/10.47363/jcert/2019\(1\)101](https://doi.org/10.47363/jcert/2019(1)101)

¹¹ Study on Establishment of Roadside Stations (RSSs) along the Northern Corridor TMEA/PO/20120301, July 2014

(c) provision of traffic and sightseeing information.

4.2.2 USA model

In the USA, rest areas are typically non-commercial, hence services are provided at a minimal fee as they are maintained and funded by the Department of Transportation of the state government. They have a minimum of parking areas, washrooms with shower facilities, vending machines and vehicle service bays. In addition to these others have access to Internet services, recreation facilities, video games.

4.2.3 The concept in the UK

In the UK, RSS are known as motorway service areas or stations. They are owned by the Department of Transport and let out on 50 years leases to private operating companies. Services provided are similar to those offered in most rest station in the US.

4.2.4 North Star Alliance Roadside Wellness Centres

The North Star Alliance is a group of non-governmental organizations that are establishing a network of roadside health clinics at major truck stops and border crossings in Africa. These Wellness Centres offer a practical, low barrier and low cost response to the transmission of HIV and other sexually transmitted infections amongst the transport industry. First launched in Malawi in 2005, it has expanded into Eastern and Western Africa and in Kenya it has 6 centres located at borders and truck stops at the Burnt Forest, Mai Mahiu, Mlolongo, Mombasa, Namanga and Salgaa. The first was opened in Mombasa in 2009 and the centres provide sexual health education, counselling, testing and treatment for drivers and for the communities with which they have direct contact. The Alliance works very much with local groups to source, supply and staff the centres and the core partners are the International Transport Workers federation, the Joint United Nations Programme on HIV/AIDs (UNAIDS), ORTEC N.V., the World Food Programme (WFP) and the Ministry of Foreign Affairs in the Netherlands.

4.3 Proposed Solution

It is expected that development of the proposed Regulations will trigger the establishment of standardized RSS across major highways in Kenya and boost road welfare, local economic development and conform to international best practices.

5 AN OVERVIEW OF THE PROPOSED KENYA ROADS (ROADSIDE STATIONS) REGULATIONS, 2026

5.1 NAME OF THE STATUTORY INSTRUMENT

Kenya Roads (Roadside Stations) Regulations, 2026

5.2 NAME OF PARENT ACT

The Kenya Roads Act, 2007

5.3 ENACTED PURSUANT TO

Section 46(2)(b) of the Kenya Roads Act, 2007

5.4 REGULATORY MAKING AUTHORITY

The Kenya National Highways Authority, the Kenya Rural Roads Authority and the Kenya Urban Roads

5.5 GAZETTED ON

5.6 TABLED ON

5.7 PURPOSE OF THE STATUTORY INSTRUMENT

5.7.1 Objects and principles

The Regulations are intended to:

- (a) provide for the development, operationalization and management of roadside stations along national trunk roads;
- (b) provide for the requirements for services and amenities in a roadside station for use by motorists and other roads users;
- (c) enhance road safety through provision of rest facilities for of drivers;

- (d) promote investment and socio-economic development in Kenya;
- (e) enhance safety for cargo on transit; and
- (f) strengthen roadside development control;
- (g) enhance revenue collection by increasing efficiency in the logistics chain along the national roads.

The Regulation re based on the following principles:

- (a) promotion of road safety for all road users;
- (b) promotion of national values and principles of governance provided under Article 10 of the Constitution, 2010;
- (c) promotion of the Bill of rights under Chapter Four of the Constitution, 2010;
- (d) respect for the functional and institutional integrity of the two levels of government;
- (e) the requirement for consultation and co-operation as provided under Article 6(2) and 189 of the Constitution, 2010; and
- (f) the need to minimize intergovernmental disputes while co-operating in exercising their functions.

5.7.2 Establishment of Roadside stations

Establishment of Roadside stations will be approved by the Authority informed by

- (a) the demand for the utilization of the roadside station;
- (b) availability of land;
- (c) funding mechanism for the development of the roadside station;
- (d) the type of roadside stations and the amenities to be provided; and
- (e) distance between roadside stations.

RSS may be developed after conduct of a feasibility study and public consultations and application in the prescribed form by:

- (a) by an Authority;
- (b) through public private partnership between a private party and an Authority;

(c) by a private person; or

(d) by a government agency.

5.7.3 Geo-fencing

Pursuant Section 12 of the East Africa Community Customs Management Act, 2004 the Commissioner shall appoint RSS to be custom areas for purposes of the EACCMA. Geo-fencing defines virtual boundaries within which certain actions including provision of incentives to enable rolling out certain incentives to promote the establishment, growth and sustainability of RSSs.

5.7.4 Classification of RSSs and amenities to be offered

The RSSs shall be classified into small, medium and large depending on size and amenities offered. The following are the amenities offered in a large RSS:

1. Sanitation facilities;
2. Rest rooms/driver's accommodation;
3. Petrol service station;
4. Electric car charging points;
5. Car service center/workshop;
6. Towing and recovery services;
7. Restaurant;
8. ATM/Banking facilities;
9. Convenience stores;
10. Health clinic;
11. Market stalls;
12. Green areas/landscaping;
13. Social zone;
14. Firefighting equipment including a fire engine;
15. Internet connection;
16. Office space, for government officials;

17. Parking spaces:

- (a) Large bus parking;
- (b) Minibus parking;
- (c) Small cars parking;
- (d) Truck parking: for loaded and empty dry cargo trucks;
- (e) Truck parking: for loaded and empty wet cargo trucks;
- (f) Truck parking for non-convectional cargo trucks;

18. Access roads;

19. Adequate lighting;

20. Rapid respond units;

21. Electric fence around the facility;

22. CCTV cameras capable of relaying live feed to the centralized command Centre;

23. Twenty-four-hour surveillance/guard/security services;

24. Smart gate gadgets with capability to integrate with customs monitoring systems and capture truck, trailer and container number at entry and exits points;

25. Designate area as a 'transshipment yard, an exports stuffing area and a customs warehouse where trucks issued with form F89 (Notice of goods deposited in a customs warehouse) and Form C37 (seizure notices) shall be deposited.

5.7.5 Legislative Context

The Regulations have been developed in the context of broader legislative initiatives by the African Union on the development of Transport Corridors and implementation of the African Road Safety Charter, the African Action Plan for the Global Road Safety Decade 2011-2020, the Intergovernmental Agreement on Trans-African Highway Norms and Standards and other Transport Declarations by the AU. The Regulations are also developed in the context of the Tripartite (COMESA-EAC-SADC) Regional Guidelines for Road Side Stations and Rest Stops;

and the Northern Corridor Roadside Stations whose Regional Guidelines were developed in September, 2016 by the NCTTCA.

At the national level, whereas the Kenya Roads Act, 2007 empowers the three Road Authorities (KeNHA, KeRRA and KURA) to make Regulations on roadside stations, no Regulations have been developed since 2007. The effect of this gap has occasioned the problem described in this Report,

5.7.6 Policy Background

The Regulations are being developed to give effect to multi-lateral initiatives by Kenya and five other countries along the Northern Corridor. The Regulations may be invoked to create a model RSS on any busy highway in Kenya.

5.7.7 Guidance

Apart from consulting the key industry stakeholders, the public in general need to be sensitized to understand the economic potential of RSS in the local communities. The teams that should be involved in the design, construction, and operations of an RSS, include the Government at both levels, the lead Agencies, the developers, KRA, and local communities.

5.7.8 Impact on fundamental rights and freedoms

Road safety is a human right which is being given effect by the proposed Regulations.

5.7.9 Impact on Private and Public Sector

The Regulations are tailored facilitate participation and investments by private sector in the RSS funding model. The public sector is accorded the regulatory framework for promoting the RSSs. This report describes the expected impacts of the Regulations.

6 CONSIDERATION OF ALTERNATIVES TO THE PROPOSED REGULATIONS

This Part evaluates the possible alternatives to addressing the identified problem. In this Part two options namely maintenance of the status quo, and promulgating Regulations have been considered. Based on the evaluation of each option, the best form of government action is

recommended. The evaluation of these options is in line with the Statutory Instruments Act, 2013 which requires a regulator to evaluate other options including non-regulatory ones.

6.1 THE ALTERNATIVES

6.1.1 Option One: Maintenance of the Status Quo

This entails doing nothing and about the RSS and allowing the situation to unfold without any form of regulation and setting of standards. The implications of doing nothing include the following:

6.1.1.1 Continued persistence of the problems related to informal RSS

This will mean allowing informal RSSs to crop up everywhere and anywhere along the main highways. Such developments are limited by space and land availability and therefore they cannot afford to provide all the required amenities. Informal RSSs are purely established as business ventures which do not enjoy any tax incentives and therefore they are unlikely to provide free parking among many other amenities. The informal and unregulated RSSs do not take into account the public interest and may be established close to each other depending on convenience and yet leave other parts completely un-serviced. The problems of driver fatigue, road safety concerns, insecurity, diseases, and accidents will persist.

6.1.1.2 Failing to Honor Kenya's International Obligations

Kenya is a member state of the Northern Corridor Transit and Transport Coordination Authority (NCTTCA) and indeed the host of the Port of Mombasa which is the centre of interest for five countries along the Northern Corridor. The member states committed to, among many other things, to developing legal and policy frameworks to facilitate the establishment of RSS within specific timelines. If nothing is done in terms of developing the legal framework, Kenya will not have met her international obligations in this regard.

6.1.1.3 Losing an opportunity for Local Economic Development (LED)

Among the key components of the proposed RSS is boosting local economic development through creation of employment, capacity building and poverty reduction in hitherto unopened

rural areas. Failure to set up the RSS means that these areas will not benefit from the LED initiative.

6.1.1.4 Compromised Road Safety

The RSS are meant to address driver fatigue, enhance road safety and provide health facilities for travelers along the busy highways. Failure to address these concerns contributes to increased road accidents, high incidences of communicable diseases including HIV and AIDs, the prevalence of prostitution and exposure of cargo to robbery due to lack of secured parking areas.

6.1.1.5 Insecurity

Prevalence of sex workers along the Corridor and the exposure of cargo to robbery and other risks due to lack of secured parking areas all add to the prevailing problems.

6.1.1.6 Environmental degradation

The RSS will help to minimize environmental pollution and haphazard disposal of waste. If the RSS framework is not in place, environmental degradation will persist.

6.1.2 Option Two: Development of the Proposed Regulations

The second option is the development of the proposed Regulations to constitute Kenya's legal framework for regulating and promoting the development of RSS across the major highways in the country, The Cost-Benefit analysis of the RSS in Kenya is as shown in the next Chapter.

7 COST-BENEFIT AND IMPACT ANALYSIS

To be inserted by the Agency's Economist as follows:

Taking into account the model design and architectural design provide calculations for the following aspects in relation to a model, small, medium and large RSS:

1. Cost of construction in monetary terms taking into account:
 - (a) Number of Parking spaces for Trucks, Buses, Mini buses and cars
 - (b) Number of people (Crew and passengers)
 - (c) Number of conveniences e.g. toilets, bathrooms etc.
 - (d) Buildings
 - (e) Pedestrian garden
 - (f) Gate
 - (g) Hedge

- (h) Water tanks and water tower
- (i) Septic tanks
- (j) Generator, etc.
- 2. Investment costs
- 3. Maintenance costs including
 - (a) Personnel
 - (b) Security guards
 - (c) Parking attendants
 - (d) Repairs
 - (e) Public utilities
- 4. Economic impacts
 - (a) Land acquisition/compensation costs
 - (b) Construction costs
 - (c) Maintenance/operation costs
 - (d) Environmental/social mitigation measures
- 5. Benefits including
 - (a) Transport costs/generalized
 - (b) User benefits
 - (c) Operator benefits
 - (d) Road Safety conditions
 - (e) Health conditions
 - (f) Economic development of the area
 - (g) External effects
- 6. Social and environmental benefits
- 7.

7.1 CONCLUSION: THE PREFERRED OPTION

(to insert)

8 PUBLIC PARTICIPATION AND CONSULTATIONS

Public Participation refers to the process by which citizens, as individuals, groups, or communities (also known as stakeholders), take part in the conduct of public affairs, interact with the state and other non-state actors to influence decisions, policies, programs, legislation and provide oversight in service delivery, development and other matters concerning their governance and public interest, either directly or through freely chosen representatives.¹²

It is a constitutional requirement that policy and law-making should be done in an open and transparent manner, with appropriate procedures for effective and timely input from professionals and persons affected by the policy instruments.

8.1 LEGAL BASIS FOR PUBLIC PARTICIPATION AND CONSULTATION

Participation of the people, inclusivity, transparency, and accountability are constitutional requirements whenever the State or public officer applies the Constitution, enacts any law, or makes or implements a public policy¹³. This requirement is premised on the sovereignty principle¹⁴ which vests all sovereign power to the people of Kenya. This power entitles the people to unfettered access to the process of making public decisions through their involvement.

Transparency of public finances and performance is ensured through rules, mechanisms, and capacities for sharing information on government programs, budgets, expenditures, and results with citizens.¹⁵ Participation mechanisms enable citizens to participate in setting budget priorities and monitor expenditures and assess service delivery performance. They also include feedback systems,

¹² Kenya Draft Policy on Public Participation, 2018 at pg. 6.

¹³ Constitution of Kenya, 2010: Article 10.

¹⁴ *Ibid*, Article 1.

¹⁵ Constitution of Kenya, 2010: Articles 35, 201 and 132; County Governments Act, 2012: Sections 94, 95 and 96; Public Finance Management Act, 2012, Section 207.

which provide citizens with the opportunity to provide comments and grievances.¹⁶ Accountability mechanisms include both direct and indirect relationships, where service providers are sanctioned if they fail to meet an established standard.¹⁷

The objects of devolution¹⁸ give powers of self-governance to the people and enhance their participation in the exercise of the powers of the State and in making decisions affecting them and recognize the rights of communities to manage their own affairs and to further their development. The values and principles of public service¹⁹ require the involvement of the people in the process of policymaking and include transparency and provision to the public of timely and accurate information.

Regarding the subsidiary legislation making process, the Statutory Instruments Act²⁰ requires that the regulatory making authority shall undertake public consultations before making statutory instruments (Regulations), and particularly, where the proposed Regulations are likely to have a direct or a substantial indirect effect on business or restrict competition.

The Act provides that in determining whether any consultation that was undertaken is appropriate, the regulation making authority shall have regard to all relevant matters, including the extent to which the consultation: drew on the knowledge of persons having expertise in fields relevant to the proposed statutory instrument; and ensured that persons likely to be affected by the proposed statutory instrument had an adequate opportunity to comment on its proposed content.

The Statutory Instruments Act further requires that the persons to be consulted should either directly or by advertisement through representative organizations be invited to make submissions by a specified date, which should not be lesser than fourteen days or be invited to participate in public hearings concerning the proposed instrument.

¹⁶ Constitution of Kenya, 2010: Articles 174, 201 and 232; County Governments Act, 2012: Sections 47, 91, 99 and 100; Public Finance Management Act, 2012: Sections 125, 128, 131 and 137; Urban Areas and Cities Act, 2011: Sections 21 and 22.

¹⁷ Constitution of Kenya, 2010: Articles 174 and 201; County Governments Act, 2012: Section 89.

¹⁸ Constitution of Kenya, 2010: Article 174(c).

¹⁹ *Ibid*, Article 232 (1).

²⁰ No. 23 of 2013.

8.2 THE PROCESS OF PUBLIC PARTICIPATION AND CONSULTATIONS

This will involve the advertising of public participation schedule on media (digital or print) with a national outreach. The schedule will contain a program that includes the date, time and venue for the consultations with the public.

The officers undertaking the exercise will record the comments which shall be presented to the Technical Working Group for consideration and incorporation of the comments.

The public participation shall be undertaken at least one of the areas and with a preferred meeting point in the Regional Economic Blocs, which are

1. **Frontier Counties Development Council (FCDC)** comprising of seven (7) counties namely; Garissa, Wajir, Mandera, Isiolo, Marsabit, Tana River and Lamu.
2. **North Rift Economic Bloc (NOREB)** comprising of seven (8) counties namely Uasin Gishu, Trans-Nzoia, Nandi, Elgeyo Marakwet, West Pokot, Baringo, Samburu and Turkana.
3. **Lake Region Economic Bloc (LREB)** comprising of thirteen (14) counties namely Migori, Nyamira, Siaya, Vihiga, Bomet, Bungoma, Busia, Homa Bay, Kakamega, Kisii, Kisumu, Nandi, Trans Nzoia and Kericho.
4. **Jumuia ya Kaunti za Pwani** comprising of six (6) counties namely, Tana River, Taita Taveta, Lamu, Kilifi, Kwale and Mombasa
5. **South Eastern Kenya Economic Bloc** comprising of three (3) counties namely Kitui, Machakos and Makueni.
6. **Mt. Kenya and Aberdares Region Economic Bloc** Comprising of ten (10) counties namely Nyeri, Nyandarua, Meru, Tharaka Nithi, Embu, Kirinyaga, Murang'a, Laikipia, Nakuru and Kiambu.

8.3 STAKEHOLDERS

The following non-government stakeholders are involved in the development of the RSS program:

- (a) The RSS Operator to ensure the provision of all the minimum services and adherence to ethical behavior as prescribed in the guidelines for the development and operationalization of the RSS.
- (b) The various users of the RSS namely; local communities, local leaders, drivers, vehicle owners and traders are to be sensitized on the purpose, importance and location of the various RSSs.
- (c) Prospective private investors are to be given adequate information pertaining to the development of the RSSs by the lead Government Agency.
- (d) The various associations and Unions are to be sensitized on the purpose, importance and location of the various RSSs.

8.3.1 Public Consultation Approach and Methodology

8.3.2 Table 1: Meetings with Industry Stakeholders

No	Targeted Stakeholders	Dates
1.	Matatu Owners Association & Bodaboda Association	18 th -27 th September ,2023
2.	Kenya Association of Transporters	18 th -27 th September ,2023
3.	Kenya Truckers Association	18 th -27 th September ,2023
4.	Association of Bus Operators Kenya	18 th -27 th September ,2023
5.	<i>East Africa Petroleum Transporters Association</i>	18 th -27 th September ,2023
6.	<i>Smart & Safe Kenya Transport</i>	18 th -27 th September ,2023
7.	<i>Safeway Rightway Kenya</i>	18 th -27 th September ,2023
8.	<i>Pioneer Road Safety Kenya</i>	18 th -27 th September ,2023
9	County Public Health	18 th -27 th September ,2023
10.	Alliance Health Clinic Kenya	18 th -27 th September ,2023
11.	County Secretaries	18 th -27 th September ,2023
12.	Motor Vehicles Towing Companies	18 th -27 th September ,2023

13.	County Planners	18 th -27 th September ,2023
14.	Women In Transport (WIN) Kenya	18 th -27 th September ,2023
15.	Kenya Association of Hotelkeepers and Caterers	18 th -27 th September ,2023
16.	Petroleum Companies/ Petroleum outlet association of Kenya	18 th -27 th September ,2023
17.	Ministry of land	18 th -27 th September ,2023
18.	Market Leaders	18 th -27 th September ,2023
19.	RONGAI WORKSHOP & Transportation service LTD	18 th -27 th September ,2023
20.	NTSA	18 th -27 th September ,2023
12.	Disability Advocates	18 th -27 th September ,2023
22.	National Environmental Management Authority (NEMA)	18 th -27 th September ,2023
23.	Ministry of Tourism Wildlife and Heritage	18 th -27 th September ,2023
24.	National Land Commission	18 th -27 th September ,2023
25.	Kenya Association of Hotelkeepers and Caterers	18 th -27 th September ,2023
26.	Kenya Roads Board	18 th -27 th September ,2023
27.	Kenya Railways Corporation	18 th -27 th September ,2023
28.	Kenya Urban Roads Authority	18 th -27 th September ,2023
29.	Northern Corridor Transit and Transport coordination Authority (NCTTCA)	18 th -27 th September ,2023
29.	Local Community	18 th -27 th September ,2023
30.	Cargo transporters in Kenya	18 th -27 th September ,2023
31.	Insurance Companies	18 th -27 th September ,2023
32.	Kenya Revenue Authority	18 th -27 th September ,2023

N/B: Attached to this Regulatory Impact Statement is a detailed matrix indicating representations received from the stakeholders and action taken in revising the Regulations.

8.3.3 Report on Stakeholder Consultative Process

A report on the stakeholder consultative sessions containing an analysis of comments and how they were considered and incorporated into the draft Regulations was prepared. The report also explains how the consultative process was conducted. The report is annexed to this report as a separate document.

9 ANNEXURES

9.1.1 Annexure 1: Cost Benefit and Impact Analysis table

Annexure 2: The Draft Regulations, 2023

9.1.2 Annexure 3: Stakeholder Attendance Registers

9.1.3 Annexure 4: Gazette Notice on Public Participation for the Proposed Regulations

9.1.4 Annexure 5: Report on Stakeholder Consultations.