

Petition to Parliament on the deplorable state of roads in Ongata Rongai, Kitengela, Kiserian and adjacent areas in Kajiado County.

Date: 8th Dec 2022

The National Assembly of Kenya,
C/o The Clerk Kenya National Assembly,
Parliament Building,
P.O Box 41842-00100
NAIROBI

Dear Sir,

RE: PETITION TO PARLIAMENT UNDER ART 119 OF THE CONSTITUTION AND STANDING ORDERS 202 OF THE NATIONAL ASSEMBLY ON THE DEPLORABLE STATE OF ROADS IN ONGATA RONGAI, KITENGELA, KISERIAN AND ADJACENT AREAS IN KAJIADO COUNTY.

We the undersigned citizens of Kenya, representing resident and business associations from Ongata Rongai, Kitengela, Kiserian and adjacent areas within Kajiado counties,

Draw the attention of the House to the following:

1. The Constitution of Kenya 2010 vests sovereignty in the people of Kenya.
2. The people of Kenya have delegated legislative and oversight authority to their elected representatives in Parliament.
3. That under:
 - a. Article 39 (1) of the Constitution of Kenya *Every person has the right to freedom of movement.*
 - b. Article 42 of the Constitution of Kenya *Every person has the right to a clean and healthy environment*
 - c. Article 43 of the Constitution of Kenya *Every person has economic and social rights which include the right to health, housing and education*
 - d. Article 54 of the Constitution of Kenya *persons with disability are entitled to reasonable access to all places, public transport and information*
4. That under:
 - a. Article 96 of the Constitution of Kenya *all roads and thoroughfares defined under an Act of Parliament are public land*
 - b. The Fourth Schedule of the Constitution of Kenya, *roads* are a shared function between national and county governments.

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5. That under Article 27 (6) of the Constitution the government is mandated to take legislative and other measures including affirmative action programmes and policies designed to redress any disadvantage suffered by individuals or groups because of past discrimination.
6. THAT under Section 7 of the Kenya Roads Act, various roads in Ongata Rongai, Kitengela, Kiserian and adjacent areas in Kajado County are designated to two separate authorities- the Kenya Urban Roads Authority and the Kenya Rural Roads Authority.
7. THAT Ongata Rongai, Kitengela, Kiserian and adjacent areas within Kajado county border Nairobi county. Due to their proximity to the capital, these areas provide housing for thousands of people who work and study in Nairobi county. The areas also host a large number of schools where Kenyan children of all ages access their right to education.
8. THAT Ongata Rongai, Kitengela, Kiserian and adjacent areas are hubs of economic activity, providing revenue for both the national and county governments. Examples of these activities include the Nairobi National Park, stone quarry mines, several tertiary educational institutions, industries such as Sigma Feeds and Kitengela Glass, small and medium agricultural farms, residential housing, large markets, and thousands of small businesses which supply goods and services to the residents of the area.
9. THAT due to the large population, Ongata Rongai, Kitengela, Kiserian and adjacent areas have very high traffic, necessitating proper roads and traffic management.
10. THAT despite the social and economic importance of Ongata Rongai, Kitengela, Kiserian and adjacent areas, residents have historically suffered from a lack of infrastructure and amenities such as good roads, water and waste management.
11. THAT since devolution, residents of Ongata Rongai, Kitengela, Kiserian and adjacent areas have been promised the upgrade of major roads, as well as linking of various townships within the area. To wit, road excavation and filling commenced on various roads such as Maasai Lodge- Rimpa; Nazarene University- Tuala- Kitengela; and Kiserian- Upper Matasia- Ngong. However, since 2020, the road works were abandoned, leaving the roads in a deplorable state particularly after the rains.

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12. THAT in discussions such as public *barazas* and meetings, there is conflicting information from leaders on plans to recommence the abandoned projects or complete the pending works. Therefore, residents and businesses in Ongata Rongai, Kitengela, Kiserian and adjacent areas have no hopes or commitments on when work on these major roads will be undertaken.
13. THAT due to the abandonment of construction of the roads, residents of Ongata Rongai, Kitengela, Kiserian and adjacent areas have suffered various harms, for example:
- a. Motorists, including public service transport providers incur high costs of repair to their vehicles. Public service providers transfer this cost to their customers making the cost of transport very high. For example, *tuk tuk* fare from Maasai Lodge stage to Diguna, a distance of 1.5km is Ksh.50 per person.
 - b. Motorists complain of fuel wastage as they spend more time on the road. This is an avoidable economic and environmental cost that would not be incurred if the roads were motorable.
 - c. Residents and businesses along the incomplete roads are forced to put up bumps on the roads. The bumps are sub-standard and therefore a hazard to motorists and pedestrians along the road.
 - d. Since 2021 when there has been a long dry season, the dust on the roads has been unbearable. Motorists are often forced to stop and let the dust settle when there is little to no visibility.
 - e. Many women, and middle aged to older people complain of orthopedic complications due to the bumpy nature of the roads.
 - f. School going children who walk to school are at great risk because of the dust and poor visibility. Some schools have resorted to giving reflectors to children to mitigate the situation.
 - g. The state of roads has contributed to insecurity as when incidents occur, security responses are delayed by the unmotorable state of the roads.
 - h. Despite Ongata Rongai and Kitengela being adjacent townships, the road connecting them is impassable. Therefore, the residents of Ongata Rongai and Kitengela have to take a longer route back to Nairobi or through Namanga Road to access the two towns, leading to loss of time, fuel and wasted economic opportunities between the townships.
14. THAT these harms are particularly grave for residents and businesses along *Maasai Lodge - Ongata Rongai SGR Station -Rimpa* and *Africa Nazarene University - Tuala- Kitengela* stretch as the road has become extremely bumpy

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and dusty with limited visibility. This is occasioned by the high traffic on the road, which includes heavy vehicles carrying quarry stones, school buses, public transport vehicles, bodabodas and pedestrians. The road also has steep gradients on parts crossing the Mbagathi River that are severely worn out, often creating traffic jams as motorists and pedestrians negotiate use of the road.

15. THAT similarly, tarmacking of link roads such as Embulbul- Ongata Rongai; Gataka- Ongata Rongai- Matasia and Oloolua began. To date, parts of the roads remain unfinished, creating hazards for motorists and pedestrians as tarmac abruptly ends, yet there are no road signs. The incomplete parts are a source of insecurity as motorists and bikers are waylaid as they slow down to negotiate the rough patches. Further, whenever it rains, incomplete parts are damaged, increasing the cost of construction of the roads.
16. THAT the leadership in the national and county governments, including road sector leaders, have not made formal commitments with the residents of Ongata Rongai, Kitengela, Kiserian and adjacent areas on how they intend to resolve the grave harm being suffered by the residents.
17. THAT in the event that urgent action is not taken, residents of Ongata Rongai, Kitengela, Kiserian and adjacent areas will continue to suffer direct and indirect harms from the deplorable state of roads in the area.
18. THAT the people of Kenya will also suffer by eventually paying higher costs to construct new roads as opposed to repairing the damaged roads.
19. THAT the deplorable state of roads in Ongata Rongai, Kitengela, Kiserian and adjacent areas gravely impacts the residents' freedom of movement, right to a clean environment, right to education, health and housing. The deplorable state of roads also seriously curtails the quality of life for persons with disability, the sick, pregnant women and young children, as they cannot reasonably access services without financial and physical strain.
20. THAT the state of roads in Ongata Rongai, Kitengela, Kiserian and adjacent areas therefore goes against the government's policies on safe cities and urban areas and requires urgent intervention.
21. THAT all attempts to have the matter resolved or addressed by the authorities involved have borne no fruit as indicated by a few of the letters and minutes attached at the end of this document.

22. THAT the matter is not subject to litigation in any court of law.

THEREFORE, your humble petitioners PRAY that the Parliament of the Republic of Kenya:

23. That this petition be certified urgent in view of both the seriousness and urgency in the matter
24. That the honorable committee on Roads and Transport be seized of this matter in order to urgently resolve it.
25. That the committee be gracious to visit Ongata Rongai, Kitengela, Kiserian and adjacent areas to witness for themselves the state of roads that residents bring to your attention through this humble petition.
26. That this committee immediately summon the Cabinet Secretary on Transport, The Chief Executive Officers, Kenya Urban Roads Authority and the Kenya Rural Roads Authority, and all other persons it deems necessary to address this issue
27. The Honorable house be moved to declare the deplorable state of roads in Ongata Rongai, Kitengela, Kiserian and adjacent areas a matter of grave national concern for the country, requiring urgent intervention to bring the roads to standard and longer term intervention under policies such as safe cities and urban areas.
28. That the honorable house be moved to make the necessary budgetary and oversight interventions to ensure the urgent resolution of the deplorable roads in Ongata Rongai, Kitengela, Kiserian and adjacent areas within the current financial year.
29. That the honorable house directs the concerned authorities to *priotise* construction and maintenance of Maasai Lodge- Ongata Rongai SGR Station-Rimpa, and Africa Nazarene- Tuala- Kitengela roads, in view of the deplorable state of the particular roads and the high traffic on these roads.
30. That the honorable house directs the concerned authorities to urgently complete stalled road projects to avoid further damage on the roads.
31. That this honorable house be moved to make any other interventions it deems fit.

Your humble petitioners ever pray.

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Dated at Kajiado thisday of December 2022.

Signed by the petitioners

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