



TATU
CITY

ROAD USE POLICY

VERSION 1.0

January 2023

VERSION CONTROL

This Road Use Policy (the “Policy”) will be revised and updated on an ongoing basis. The responsibility for the periodic review, update, and circulation of this policy rests with Tatu City Management Company SEZ Limited.

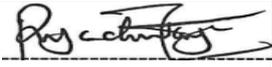
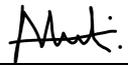
Version Number	Reviewed by	Approved By	Designation	Date	Signature
Version 1.0	Perminas Marisi		Head of City Management, Tatu City	4 th Jan 2023	
	James Marumi		Head of Legal, Tatu City	4 th Jan 2023	
		Preston Mendenhall	Country Head, Kenya	4 th Jan 2023	

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1. DEFINITIONS

In this Policy, unless otherwise indicated or the context otherwise requires, the following words and phrases shall have the meanings assigned to them hereunder and cognate expressions shall bear the corresponding meanings:

Applicable Law	means any of the laws, regulations, policies, guidelines, statutes, directives or other directions issued by a Competent Authority including but not limited to those that have been enumerated in Clause 2 of this Policy;
Abnormal Load	means a load, which by its nature is indivisible and the dimensions of which exceed the authorized dimensions of the motor vehicle or trailer on which it is to be loaded and the weight of which when loaded onto the motor vehicle or trailer may or may not cause such motor vehicle or trailer to exceed the prescribed maximum laden weight or maximum axle weight;
Authorised Official	means: <ul style="list-style-type: none">a. A member of the Kenya Police Service as provided for under the National Police Service Act, CAP 84; orb. any person or official authorised by TCL and/or the Management Company;
Authority	Means the National Transport and Safety Authority established under the National Transport and Safety Authority Act, No. 33 of 2012 and the Management Company as the case may be;
Awkward Load	means a load that is hazardous in nature and which although it is divisible requires special equipment and safety precautions to offload;
Bicycle	means any bicycle or tricycle not self-propelled;
Commercial Vehicle	means a Motor Vehicle constructed or adapted for the carriage of goods or burdens of any description in connection with any trade, business or agriculture, but does not include any type or class of Motor Vehicle which the Authority may, by notice in the Gazette, declare not to be commercial vehicles for the purposes of the Traffic Act;
Competent Authority	means any national, state, relevant county authority, relevant county agencies, state corporations and other bodies fully or partially owned by government, (including any sub-division, court,

administrative agency, commission or other authority thereof) or private body exercising any regulatory, taxing, importing or quasi-governmental authority and the Management Company;

Drive in relation to a motor vehicle, includes the steering of a motor vehicle;

Driver means any person who drives or guides, or is in actual physical control of, any Vehicle on any Road;

Driving License means a licence to drive a Motor Vehicle issued under the Traffic Act, and any document deemed to be a driving licence by any rules made under the Traffic Act;

E-Hailing means a public transport service operated by means of a Vehicle which is licensed as a Public Service Vehicle and:

(a) is available for hire while roaming; and

(b) is equipped with an electronic e-hailing technology-enabled application;

Emergency Vehicle means a Police vehicle, Ambulance or Fire Engine travelling with its siren and/or flashing lights on or along a Road;

Heavy Commercial Vehicle means a Commercial Vehicle whose tare weight exceeds 6,720 (six thousand seven hundred and twenty) pounds;

Legal Load Limit means the mass that may be borne by a single axle, an axle group, or all the axles of a vehicle as specified in the prescribed Axle Loads and Maximum Vehicle Weights schedules in this Policy;

Managed Parking Areas means a business or recreational area of high demand and limited parking availability which has been demarcated by TCL or the Management Company, where TCL or the Management Company implements a tariff charge for use of the parking bays in an effort to increase turnover of bays, use of alternative means to travel, reserving bays for designated uses, increasing availability and implementing timing restrictions in an effort to support and promote economic activity and viability of the area;

The Management Company	means Tatu City Management Company SEZ Limited, a company appointed by TCL to oversee management of Tatu City with the right to act on behalf of TCL by implementation of the rights and obligations of the TCL;
Matatu	means a public service vehicle having seating accommodation for not more than twenty-five passengers exclusive of the driver, but does not include a motor-car;
Motor-car	means a motor vehicle having seating accommodation for not more than ten passengers excluding the driver, but does not include a motorcycle;
Motor Omnibus	means a public service vehicle having seating accommodation for more than twenty-five passengers exclusive of the driver;
Motor Vehicle	means any mechanically propelled vehicle, or any vehicle deriving its power from overhead electric power cables and any conveyance used on a road;
Motorcycle	means a motor vehicle with less than four wheels the weight of which unladen does not exceed eight hundred (800) kg;
NMT	means Non-Motorised Transport whose modes include walking, cycling, use of wheelchairs, self-propelled scooters, skateboards and strollers;
NMT Infrastructure	means footpaths, footbridges, cycle lanes, ramps for the physically challenged and any infrastructure designed to accommodate NMT modes of transport;
NMT User	means persons using any mode of NMT;
Overload	means an axle load, a load from a group of axles, or gross vehicle weight on a vehicle that exceeds the prescribed legal limits for the vehicle or for any particular part of Tatu City roads;
Overloaded Vehicle	means a vehicle that is detected at a Tatu City weighing station as overloaded (either with regard to the permissible maximum axle or axle unit mass or permissible maximum vehicle or vehicle combination mass);
Overtaking	means passing or attempting to pass any other Vehicle proceeding in the same direction;

Park	in relation to a Vehicle means bringing a Vehicle to a halt and leaving it temporarily in such location whether or not the said Vehicle is occupied;
Parking Bay	means a demarcated area within which a Vehicle is to be parked, demarcated as such upon the surface of a parking ground or a Road.
Passenger	means any person who is travelling in a bicycle or Vehicle and who is not the Driver of the Vehicle or the bicycle;
Pedestrian Crossing	means a delineated area on a Road reserved for pedestrian movement while perpendicular traffic is stopped to allow such movement;
Public Transport Services	means the carriage of Passengers for a fare in a Public Service Vehicle;
Public Transport Station	means a stopping place designated and appointed by TCL or the Management Company by a sign and/or road marking where a Public Service Vehicle may stop for the purpose of onboarding or offboarding of Passengers from such Public Service Vehicle;
Public Transport Terminal	means any such place for commencement and termination of a Public Service Vehicle's journey by a Public Service Vehicle as designated by TCL or the Management Company from time to time;
Public Service Vehicle	means any motor vehicle which— <ul style="list-style-type: none"> (i) is licensed to carry passengers for hire or reward under the Traffic Act; or (ii) plies for hire or reward or is let out for hire or reward; or (iii) is carrying passengers for hire or reward;
Road	means any road within Tatu City within the meaning of the Public Roads and Roads of Access Act (Cap. 399), and includes any other road or way, wharf, car park, footpath or bridle-path on which vehicles are capable of travelling and to which the public has access;
Road Users	means a motorist, passenger, public transportation operator or user, truck driver, bicyclist, motorcyclist, a person using a motorised or self-propelled scooter or pedestrian, including a person with disabilities;
Seat Belt	

means a restraining harness fitted in a Motor Vehicle to be worn by a person occupying a seat in the Motor Vehicle, which harness shall:

- (i) when worn, consist of a diagonal portion extending from the wearer's shoulder to the opposite hip and a lap strap extending across the wearer's lap;
- (ii) be so constructed and anchored as to allow for its adjustment to accommodate variation of physical size of the wearer; and
- (iii) be constructed and anchored and fitted in accordance with the standard and specifications established under the Standards Act (Cap. 496) by the Kenya Bureau of Standards, or approved by the Kenya Bureau of Standards, for materials, fastenings, anchorages and operations for seat belts;

Station Supervisor means the person appointed in writing by TCL or the Management Company or its affiliates or designated third party to manage, control and supervise a Public Transport Station or Terminal specified in such appointment and includes their duly authorized assistants;

Tatu City means the comprehensive mixed-use development comprising an aggregate of 5,000 acres situate on Land Reference Number 28867/1 and Land Reference Number 31327, which development will comprise of residential, commercial, industrial premises, recreational facilities, hospitality facilities and associated amenities in Kiambu County, Kenya. Tatu City is located north of Nairobi City in Ruiru Sub- County of Kiambu County, along Ruiru-Kiambu Road, 5km west of Ruiru Town and 6.5 km East of Kiambu Town;

Taxi Cab means any Public Service Vehicle constructed or adapted to carry not more than seven passengers, exclusive of the driver, which is registered under any by-laws relating to the licensing and operation of taxicabs to ply for hire from a taxi rank or other public place within the area where such by-laws are in force;

TCL means Tatu City Limited;

Traffic Act means the Traffic Act, CAP 403 (as amended from time to time) and its subsidiary legislation;

Traffic Signs means any sign, notice, signal, light or other device erected or in any way displayed on a Road for the purpose of regulating use of the Road and/or restricting and/or prohibiting traffic and Vehicles of any kind, on a Road:

Provided that all Traffic Signs shall conform to any regulations as to size, colour and type which may be prescribed by rules made under the Traffic Act;

Vehicle includes any Commercial Vehicle, matatu, moto-car, Motor Vehicle, Heavy Commercial Vehicle, Public Service Vehicle, Motorcycle or Motor Omnibus, motorised or self-propelled scooters but shall exclude bicycles, wheelchairs and strollers.

2. SCOPE OF THE POLICY

2.1. This Policy shall apply to all Road Users within Tatu City.

3. POWERS AND DUTIES OF AUTHORISED OFFICIALS

3.1. An Authorised Official may for the purposes of enforcing this Policy:

- 3.1.1. when in uniform or when not in uniform identifies themselves as an Authorised Person, require the driver of any Vehicle to stop the Vehicle;
- 3.1.2. temporarily forbid a person to continue to drive or be in charge of a vehicle and make the arrangements for the safe disposal or placing of the Vehicle as may appear necessary or desirable in the circumstances if that person, being the driver or the person apparently in charge of a Vehicle, appears, by reason of their physical or mental condition, howsoever arising, to be incapable for the time being of driving or being in charge of that vehicle;
- 3.1.3. regulate and control traffic upon any Road, and give such directions as may appear necessary for the safe and efficient regulation of the traffic, which may include the closing of any Road, and, if it appears that the driver of a Vehicle is hampering or impeding the normal flow of traffic on any Road, direct the driver to remove the vehicle from the Road and to follow another route with the Vehicle;
- 3.1.4. require any person to furnish their name and address and other particulars that are required for identification or for any process if the officer reasonably suspects this person of having committed an offence in terms of this Policy; and
- 3.1.5. demand the owner, operator or driver of any Vehicle to produce any document prescribed in terms of this Policy.

4. LICENCE

4.1. Vehicles to be registered and licensed.

- 4.1.1. No person shall drive a Vehicle on a Road unless it is duly registered in accordance with section 6 of the Traffic Act and complies with this policy.
- 4.1.2. No person shall own or possess a Vehicle, or use it on a Road, unless such vehicle is licensed under and in accordance with the Traffic Act.
- 4.1.3. No Vehicle which is required to be licensed shall be used on a Road unless the licence, which shall be legible and in no way defaced, is carried on the vehicle. Such Licence should be fixed at the rear of a motorcycle, or the front and the rear of any other Vehicle.

4.2. Driving Licenses

- 4.2.1. No person may drive a Motor Vehicle of any class on a Road unless he is the holder of a valid driving licence, or a provisional licence endorsed by the National Transport and Safety Authority in respect of that class of vehicle.
- 4.2.2. Subject to the provisions of the Traffic Act, persons under the age of eighteen (18) years are prohibited from driving any Vehicle on any Road.
- 4.2.3. All persons driving a Vehicle on a Road shall be required to carry their driving licence or provisional licence.

5. SPEED OF VEHICLES

- 5.1. No person shall drive or being the owner or person in charge of a Motor Vehicle, cause or permit any other person to drive, a Motor Vehicle on a Road at a speed greater than such speed as prescribed below as the maximum speed for that class of Motor Vehicle and Road. Provided that TCL or the Management Company shall erect and maintain Traffic Signs so as plainly to indicate to drivers entering or leaving such Roads or areas where the speed limit restriction begins and ends.
- 5.2. A person shall not drive, or, being the owner or person in charge of a Vehicle, cause or permit the Vehicle to be driven at a speed above twenty kilometres per hour (20 km/hr) on any Road within the boundaries of or adjacent to:
 - 5.2.1. a nursery, primary or secondary school; or
 - 5.2.2. an area used by children when crossing to and from school as may be designated as a crossway by TCL or the Management Company.
- 5.3. TCL or the Management Company shall:

- 5.3.1. erect and maintain Traffic Signs as prescribed in the Traffic Act and the Traffic Signs Rules, 1975 (as amended from time to time) so as plainly to indicate to drivers entering or leaving any Road or area referred to under this Rule 5 where the speed limit restriction begins and ends;
 - 5.3.2. erect, construct and maintain speed limiting Road design features such as speed bumps or rumble strips, and traffic circles on the Roads referred to under this Rule 5 at the areas specifically designated for pedestrian crossing or on any Road within a built-up area or any section of a Road where forward visibility is short; and
 - 5.3.3. ensure that there are no man-made or natural obstructions, including stationary vehicles on Roads and parking areas in the vicinity of schools that might block children's view of the Road and vehicles travelling along it, or drivers' view of children.
- 5.4. TCL or the Management Company may impose on any Road such lower limit of speed as it considers necessary.
- 5.5. The provisions of this Rule or of this Policy, imposing a speed limit on Motor Vehicles, shall not apply to any Motor Vehicle on an occasion when it is being used as an Emergency Vehicle, if the observance of such provisions would be likely to hinder the use of the vehicle for the purpose for which it is being used on that occasion.
- 5.6. TCL or the Management Company may install mobile or fixed camera sites at such designated places as it may deem fit along a Road within its jurisdiction provided that:
- 5.6.1. signage for fixed speed camera sites, the first speed limit and camera warning sign should be placed from the camera housing in the direction being enforced;
 - 5.6.2. speed camera housing, including mobile camera units, must be visible to approaching or departing motorists from the point where the enforcement occurs; and
 - 5.6.3. where a fixed camera has been installed and it is in the interest of road safety to reduce the occurrence of speed at a particular location, the fixed camera housing must be fully painted in a conspicuous colour [yellow] or fitted with retro reflective sheeting.
- 5.7. Any person who violates the speed limit prescribed for a Road under this Rule 5 shall be guilty of an offence and liable to a fine as stipulated in the Traffic Act or this policy as may be amended from time to time.

6. TRAFFIC REGULATION

- 6.1. Save where the contrary is allowed by a police officer or Authorised Officer in the execution of their duty or by the indication of any Traffic Sign, drivers of vehicles shall drive to the left side of all roundabouts, street islands or street refuges.

- 6.2. Where, for any reason, any vehicle is proceeding at a slow rate of speed which is causing obstruction to other traffic, the driver of such Vehicle shall keep close to their nearside and permit other Vehicles to overtake them.
- 6.3. Every Motor Vehicle meeting or being overtaken by other traffic shall be kept as close to the left or nearside of the Road as possible.
- 6.4. Every Motor Vehicle overtaking other traffic shall be kept to the right or offside of such traffic.
- 6.5. No Motor Vehicle shall be driven so as to overtake other traffic unless the driver of the vehicle has a clear and unobstructed view of the Road ahead; the driver shall not overtake such traffic unless he sees that the Road ahead is clear for a sufficient distance to enable him, after overtaking, to return to their proper side before he encounters any traffic coming from the opposite direction.
- 6.6. No Motor Vehicle shall overtake other traffic when such vehicle is rounding a corner, or at any place where Roads intersect or fork, or where a Road passes over the brow of a hill or over a hump-backed bridge, or where the driver of the vehicle is unable to see sufficiently far ahead to enable him to overtake with safety.
- 6.7. Any Motor Vehicle meeting another vehicle on a Road shall, where necessary to allow safe passage for any reason, slow down, and the driver of an unladen vehicle shall give right of way to any laden vehicle in such circumstances.
- 6.8. A Motor Vehicle ascending any hill shall, where necessary, be given the right of way by oncoming Motor Vehicle(s).
- 6.9. The driver of any Motor Vehicle which is being driven on its offside of the Road shall give way to any oncoming traffic.
- 6.10. Notwithstanding the provisions of this rule, it shall be lawful for Motor Vehicles to overtake in the near or left-hand traffic lane and for meeting traffic to pass in their appropriate lane on any Road which has been divided into three or more traffic lanes by islands, bollards or markings on the Road.
- 6.11. Every Motor Vehicle when turning to the left from one Road into another Road shall keep close to the left side of each such Road.
- 6.12. Every Motor Vehicle when turning to the right from one Road into another Road shall drive round the point of intersection of the centre lines of the two Roads or round any island or mark which may have been erected or marked for the guidance of traffic.
- 6.13. No Motor Vehicle shall be driven from one traffic lane to another such lane unless the driver thereof has first made sure that he will not inconvenience traffic in such other lane.
- 6.14. The driver of a Motor Vehicle which is about to enter a roundabout shall give way to any other vehicle which is already in the roundabout and shall, if necessary, stop before entering the roundabout in order to allow any such other vehicle to proceed.

- 6.15. No person shall drive any vehicle into a roundabout unless, at the time of entry of the vehicle into the roundabout, it is reasonable to suppose that the vehicle will not be forced to stop in the roundabout by reason of traffic already therein.
- 6.16. No person shall cause a Motor Vehicle to travel backwards for a greater distance or time than may be requisite for the safety or reasonable convenience of the occupants of that vehicle or of other traffic on the Road.
- 6.17. No driver or passenger in any Motor Vehicle shall, except for the purpose of giving a signal, or in the event of any emergency, or for the purpose of test or repair, permit any part of their body to protrude outside such vehicle whilst it is in motion.
- 6.18. No person shall fill with petrol any Motor Vehicle while the engine is running, or while any light, other than an electric light alight in the vehicle, nor shall any person, whilst a Motor Vehicle is being filled with petrol, smoke, strike a light or exhibit any flame within ten (10) feet of such vehicle.
- 6.19. Cyclists shall proceed in a single file.
- 6.20. Every driver shall, upon hearing the sound of any gong, bell (other than a bicycle bell) or siren indicating the approach of an Emergency Vehicle, at once yield and give such vehicle right of way, and if necessary, pull their vehicle to the nearside of the Road and stop until the Emergency Vehicle has passed.
- 6.21. No person travelling upon any bicycle, motorcycle, coaster, sled, roller-skates, scooter or any other similar device may cling to or attach himself or herself or such cycle coaster, sled, roller-skates, scooter or device to any other moving vehicle, upon any Road.

7. LIGHTS ON MOTOR VEHICLES

- 7.1. No person may operate a Motor Vehicle on a Road unless:
 - 7.1.1. all lights are undamaged, properly secured and capable of being lit at all times;
 - 7.1.2. the Motor Vehicle emitting excessive exhaust smoke; and
 - 7.1.3. the head lights and rear lights are kept lit between the period of sunset and sunrise and at any other time when visibility is reduced due to insufficient light, smoke or unfavourable weather conditions.
- 7.2. No person may drive a Motor Vehicle on a Road without its lights fitted in accordance with the Traffic Act and in working order.
- 7.3. No person may drive a Motor Vehicle on a Road unless its direction indicators are in working order.

8. DESIGNATED PARKING PLACES

- 8.1. Unless in accordance with Road traffic markings, Road Traffic Signs or on instruction of an Authorised Official, no person may park a vehicle on any Road:
 - 8.1.1. in contravention of a Road Traffic Sign;
 - 8.1.2. in any position or place which, in the opinion of the Authorised Official, may constitute a danger or an obstruction to traffic or pedestrians;
 - 8.1.3. within nine metres on either side of a pedestrian crossing;
 - 8.1.4. on the same side as a fire-hydrant within an area bounded by the centre line of the Roadway and lines at right angles to such centre line one and a half metres on either side of a fire hydrant;
 - 8.1.5. in a manner that obstructs any private or public vehicular entrance to the Roadway;
 - 8.1.6. on a traffic island, in a pedestrian mall or pedestrian lane; or
 - 8.1.7. within five (5) metres of an intersection.
- 8.2. All persons are prohibited from parking their vehicles in parking bays designated for disabled persons without displaying a handicap sticker on their Motor Vehicle.
- 8.3. Property owners of commercial, retail, hospitality, industrial and other institutional buildings shall be required to provide sufficient:
 - 8.3.1. parking bays in accordance with the National Building Code or the rules, regulations or guidelines developed by the Management Company as may be amended from time to time;
 - 8.3.2. designated parking bays for vulnerable groups including persons with disabilities and expectant mothers; and
 - 8.3.3. loading bays for Commercial Vehicles and Heavy Commercial Vehicles.
- 8.4. Except within private property, no person may park a Motor Vehicle in a loading bay and leave it unattended for longer than:
 - 8.4.1. five (5) minutes in the case of a vehicle other than a delivery vehicle; or
 - 8.4.2. twenty (20) minutes in the case of a delivery vehicle.
- 8.5. An Authorised Official may impound vehicles parked in contravention of this Rule 8.
- 8.6. Unless parked within private property or at privately owned or reserved parking bays, all Vehicles shall only be parked in designated Parking Bays or Managed Parking Areas within Tatu City.
- 8.7. TCL or the Management Company may, in areas with high parking demand for short term parking, introduce managed parking to achieve higher turn-over of users and impose such parking tariffs for the use thereof.
- 8.8. There shall be a prescribed standard period for each designated parking place and, subject to this clause, the amount of the charge for a vehicle left in the parking place, for a time not exceeding the standard period, called, the initial charge, shall be such amount, called the

standard amount, as may be prescribed in this policy, and the initial charge shall be payable on the leaving of the vehicle in the parking place.

9. RIDING ON BICYCLES/ELECTRIC SCOOTERS/MOTORCYCLES

- 9.1. Where NMT Infrastructure for bicycles (electric or not), electric scooters and motorcycles (electric or not) exist in the form of designated lanes, all persons riding bicycles/electric scooters/motor cycles must use such designated lanes.
- 9.2. Persons driving bicycles/electric scooters/motorcycles on a Road may drive in single file except while overtaking another bicycle/electric scooter/motorcycle, two or more persons riding bicycles/electric scooters/motorcycle may not overtake another bicycle/electric scooter/motorcycle at the same time.
- 9.3. No person riding or seated on a bicycle/electric scooter/motorcycle on a Road may take hold of any other vehicle in motion.
- 9.4. No person riding a bicycle/electric scooter/motorcycle on a Road may deliberately cause it to swerve from side to side.
- 9.5. No person riding a bicycle/electric scooter/motorcycle on a Road may carry any person, animal or object that obstructs the cyclist's view or that prevents the cyclist from exercising complete control over the movements of the bicycle/electric scooter/motorcycle.
- 9.6. A person riding a bicycle/electric scooter/motorcycle on a Road must do so with at least one hand on the bicycle's/electric scooter's/motorcycle's handlebars.
- 9.7. Whenever a portion of a Road has been set aside for use by persons riding bicycles (electric or not)/electric scooters/motorcycles (electric or not), no person may ride a bicycle/electric scooter/motorcycle on any other portion of the Road.
- 9.8. A person riding a bicycle/electric scooter/motorcycle on a Road or a portion of a Road set aside for use by persons riding bicycles/electric scooters/motorcycles, must do so with all the bicycle's/electric scooter's/ motorcycle's wheels in contact with the surface of the Road at all times.
- 9.9. Every motor cycle shall be insured against third party risks in accordance with the Insurance (Motor Vehicles Third Party Risks) Act (Cap. 405).

10. PUBLIC TRANSPORT

10.1. General

- 10.1.1. The operator of a Public Service Vehicle shall ensure that Public Transport Services are provided in accordance with the terms and conditions of the licence issued by the Authority.

10.1.2. TCL or the Management Company may issue an operating licence upon payment of an operating fee to the following categories of Public Transport Service providers operating within Tatu City's jurisdiction:

- (i) E-Hailing Vehicles including Motor Cars and Motor Cycles;
- (ii) Matatus; and
- (iii) Omnibus Motor Vehicles.

10.1.3. Where an operating licence is issued in accordance with this Rule 10, such vehicle may only be driven by a driver who is a holder of a valid operating licence which must be displayed on the front window of the Vehicle.

10.1.4. The holder of an operating licence shall maintain the operating licence in a good and legible condition and keep the licence in the Vehicle to which it relates at all relevant times when the Vehicle is being operated for the provision of Public Transport Services within Tatu City.

10.2. **Unauthorised handing over of abandoned Public Service Vehicle**

10.2.1. No driver of a public service vehicle may abandon the Vehicle being driven or allow any other person to drive the Vehicle under the driver's control without the written consent, in the prescribed form of the holder of the operating licence issued under Rule 10.1 above or of the Authority.

10.3. **Conduct of drivers and conductors**

The driver and the conductor of a motor omnibus or *matatu*:

- 10.3.1. shall behave in a civil and orderly manner;
- 10.3.2. shall not smoke in or on the omnibus or matatu when it has passengers on board;
- 10.3.3. shall take all reasonable precautions to ensure the safety of passengers in or on, or entering or alighting from, the omnibus or the matatu;
- 10.3.4. shall not wilfully deceive or refuse to inform any passenger omnibus or matatu as to the fare for any journey;
- 10.3.5. shall not obstruct, and shall not, on request at any reasonable time, refuse or neglect to give all reasonable information and assistance to, any person having authority to examine the omnibus or matatu;
- 10.3.6. shall not operate any musical instrument in such a manner as to be a nuisance to the passengers or other Road Users;

10.3.7. Shall obey all applicable Tatu City and Kenya by-laws and traffic regulations.

10.4. **Conduct of conductor**

The conductor of a motor omnibus or matatu:

- 10.4.1. shall not when the omnibus or *matatu* is in motion, distract the driver's attention without reasonable cause or speak to him unless it is necessary to do so in order to give directions as to the stopping of the omnibus or *matatu*;
- 10.4.2. shall take all reasonable precautions to ensure that the route, fares and destination of the omnibus are clearly and correctly displayed by every means provided for the purpose;
- 10.4.3. shall endeavour to the best of their ability to ensure the observance of the provisions of this Policy which relate to the conduct of passengers;
- 10.4.4. shall not allow the matatu or omnibus to remain stationary on a road, except at a terminus or at a stand or place where the omnibus or matatu is specially authorized by law to stop;
- 10.4.5. shall not be under the influence of alcohol or drugs;
- 10.4.6. shall not direct the driver to pick or set down passengers, in any urban area, at a place that is not authorized as a bus stop or bus terminal.

10.5. **Badges and uniform**

- 10.5.1. Every driver and every conductor of a public service shall wear a special badge and uniform.
- 10.5.2. The uniform, shall in the case of a driver be navy blue in colour and in the case of a conductor be maroon in colour.
- 10.5.3. The badges will be as issued by the Registrar of Motor Vehicles as per the Traffic Act.

10.6. **Conduct of passengers**

No passenger may:

- 10.6.1. use obscene or offensive language or conduct himself or herself in a riotous or disorderly manner; or
- 10.6.2. board a public service vehicle until all persons desiring to disembark from such Vehicle have done so; or

- 10.6.3. enter or alight from or attempt to enter or alight from the omnibus otherwise than by the doors or openings provided for the purpose; or
- 10.6.4. when entering or attempting to enter the omnibus or *matatu*, wilfully and unreasonably impede any other person seeking to enter the omnibus or *matatu* or to alight therefrom; or
- 10.6.5. enter or remain in or on the omnibus or *matatu* when requested not to do so by an authorized person on the ground that the omnibus or *matatu* is carrying its full complement of passengers; or
- 10.6.6. travel in or on any part of the omnibus or *matatu* not provided for the conveyance of passengers; or
- 10.6.7. wilfully do or cause to be done with respect to any part of the omnibus or *matatu* or its equipment anything which is calculated to obstruct or interfere with the working of the omnibus or *matatu* or to cause injury or discomfort to any person; or
- 10.6.8. when the omnibus or *matatu* is in motion, distract the driver's attention without reasonable cause or speak to him unless it is necessary to do so in order to make any request as to the stopping of the omnibus or *matatu*; or
- 10.6.9. give any signal which might be interpreted by the driver as a signal from the conductor to start; or
- 10.6.10. spit upon or from, or wilfully damage, any part of the omnibus or *matatu*; or
- 10.6.11. when in or on the omnibus or *matatu*, distribute printed or similar matter of any description, or distribute any article, for the purpose of advertising; or
- 10.6.12. wilfully remove, displace, deface or alter any number-plate, notice-board, fare table, route indicator or destination board or any printed or other notice or advertisement in or on the omnibus or *matatu*; or
- 10.6.13. when in or on the omnibus or *matatu*, to the annoyance of other persons travelling therein use or operate any noisy instrument or otherwise make or combine with any other person or persons to make any excessive noise by singing, shouting or otherwise; or
- 10.6.14. when in or on the omnibus or *matatu*, throw any money or other article to be scrambled for by any person on the road or footway; or throw out of the omnibus or *matatu* any bottle, liquid or litter or any article or thing likely to cause danger, injury or annoyance to any person or damage to any property; or
- 10.6.15. attach to or trail from the omnibus or *matatu* any streamer, balloon, flag or other article in such manner as to overhang the road;
- 10.6.16. wilfully obstruct or impede any authorized person in the execution of their duty; or

- 10.6.17. smoke or carry a lighted pipe, cigar or cigarette on any part of the omnibus or *matatu* in respect of which a notice is exhibited declaring that smoking is prohibited; or
- 10.6.18. when in or on the omnibus or *matatu*, beg or hawk any article for sale; or
- 10.6.19. if their condition is such as to be offensive to other passengers, or the condition of their dress or clothing is such that it may reasonably be expected to soil or injure the lining or cushions of the omnibus or *matatu* or the clothing of other passengers, enter or remain in or on the omnibus or *matatu* after an authorized person has requested him or her either not to enter or to leave the omnibus or *matatu* and in such latter case has tendered to him the amount of any fare previously paid; or
- 10.6.20. enter or travel in or on the omnibus or *matatu* with petrol or any dangerous or offensive article, or, except with the consent of an authorized person, bring into or on to the omnibus or *matatu* any bulky or cumbersome article or place any such article elsewhere in or on the omnibus or *matatu* than as directed by an authorized person; or
- 10.6.21. bring any animal into or on to the omnibus or *matatu* without the consent of an authorized person, or retain any animal in or on the omnibus or *matatu* after being requested by an authorized person to remove it, or place any animal elsewhere in or on the omnibus or *matatu* than as directed by an authorized person; or
- 10.6.22. fraudulently use or attempt to use any ticket which has been:
- i. altered or defaced; or
 - ii. issued to another person, if such ticket bears thereon an indication that it is not transferable.
- 10.6.23. if he or her is in a state of intoxication, enter or attempt to enter, or having entered refuse to leave, the omnibus or *matatu*; or
- 10.6.24. enter or alight from any omnibus or *matatu* while the omnibus or *matatu* is in motion, or attempt to do so; or
- 10.6.25. alight or board a *matatu* or omnibus, in any urban area, at a place which is not authorized as a bus stop or bus terminal.

10.7. **Parking**

- 10.7.1. Subject to Rule 10.7.2, a driver of a public service vehicle who plies for hire or picks up or drops off passengers may park the vehicle at any Public Transport Terminal.
- 10.7.2. Despite Rule 10.7.1, TCL or the Management Company may, in emergencies or at recreational and other similar functions, set aside temporary public transport facilities identified by the Authorised Official as suitable for the parking and stopping of public service vehicles.

- 10.7.3. No driver of a public service vehicle may park the vehicle at a stopping place or any other place not demarcated for public service vehicles.
- 10.7.4. A driver of a public service vehicle may only, in exceptional circumstances or with the written authorisation of TCL or the Management Company, deviate from the allocated route and take short cuts through TCL roads to ply for hire or drive to pick up or drop off passengers.

10.8. Approval of timetable

- 10.8.1. An owner of a *matatu* or omnibus utilizing an omnibus/matatu station shall furnish TCL or the Management Company with a copy of their operative timetable indicating the scheduled times of arrival and departure of all services, and TCL or the Management Company may in its discretion approve such a timetable.
- 10.8.2. Before TCL or the Management Company approves a submitted timetable, it may, if it deems necessary require that amendments and alterations be made to it in the interests of the efficient and smooth running of an omnibus/matatu station.
- 10.8.3. An owner of a motor omnibus/matatu shall adhere to their approved timetable.
- 10.8.4. No motor omnibus shall remain within the omnibus station for a period exceeding shall not remain for a period longer than prescribed by the Authorised Person or traffic signs or such other period as TCL or the Management Company may from time to time determine.
- 10.8.5. Where the approved timetable provides for an interval exceeding one hour between the arrival and departure of any motor omnibus, such omnibus shall be removed from the omnibus station to a lawful place of parking not being a parking provided adjacent to a carriageway and it shall not be returned to the omnibus station earlier than thirty minutes before departure time.

10.9. Manner of parking in an omnibus station

- 10.9.1. All motor omnibuses within an omnibus station shall be under the direction of a station supervisor and the drivers of any such omnibus shall at all times comply with and obey all instructions, directions and orders given by the station supervisor in respect of the place and manner of parking, the time of departure and arrival and any other matters conducive to the efficient and safe operation of an omnibus station.

10.10. Boarding and disembarking of public service vehicles

- 10.10.1. No person may board or disembark a public service vehicle in a place that is not designated as a bus stop.

10.10.2. No person may board a public service vehicle until all persons desiring to disembark from such vehicle have done so.

10.10.3. No person may insist on boarding a public service vehicle where the number of passengers would be in excess of the total number of passengers the vehicle is authorised to carry.

10.10.4. No person may board or alight or attempt to board or disembark from any public service vehicle while the vehicle is in motion.

10.11. Queues at public transport facilities

10.11.1. At any parking place demarcated for public service vehicles, TCL or the Management Company may erect or cause to be erected a queue sign that consists of a notice board indicating the location and the manner in which persons waiting to enter a public service vehicle must stop and form a queue, and such a sign may be supplemented by queuing barriers in the form of rails or lines marked on the surface of the area to be demarcated for the purpose of queuing.

10.11.2. Every passenger queuing must comply with the instructions given by a public transport conductor or authorised official on duty.

10.12. Actions prohibited on public service vehicle

The following actions are prohibited on a public service vehicle:

10.12.1. smoking;

10.12.2. playing offensive or excessively loud music;

10.12.3. using obscene or offensive language;

10.12.4. interfering with any passenger;

10.12.5. damaging anything and interfering with the public service vehicle's equipment;

10.12.6. forcibly causing the driver to deviate from the authorised route;

10.12.7. endangering the life of another person;

10.12.8. interfering with the driver's actions; and

10.12.9. riotous or indecent behaviour.

10.13. E-Hailing vehicle tags

10.13.1. An e-Hailing vehicle operating within Tatu City's jurisdiction shall display a tag in the prescribed form and in the prescribed place on the Vehicle.

11. PEDESTRIAN CROSSINGS

- 11.1. Where a marked pedestrian crossing exists at an intersection, a pedestrian may only cross the intersection within the marked pedestrian crossing.
- 11.2. Where a traffic-control light signal, which embodies pedestrian signals, operates at an intersection, a pedestrian may not commence to cross the roadway in a pedestrian crossing at the intersection while the red light of a pedestrian signal is displayed in the direction opposite to that in which that pedestrian is proceeding.
- 11.3. Pedestrians may not carelessly, negligently or recklessly disregard, or endanger their own safety, or the safety of a person or vehicle using a Road.
- 11.4. Drivers of all Vehicles must give way to pedestrians at a designated pedestrian crossing and stop to ensure that pedestrians have safely crossed the Road prior to recommencing driving.

12. LOAD CONTROL MANAGEMENT

12.1. Legal Load Limits

- 12.1.1. The Legal Load Limit of a vehicle or trailer shall not exceed the manufacturer's permitted gross mass for such vehicle or trailer, or the maximum laden weight set out in the Second to Sixth Schedules of this Policy, whichever is less.
- 12.1.2. The maximum weight carried on any axle of a vehicle or trailer shall not exceed the manufacturer's permitted axle weight or the weight specified in the Second to Sixth Schedules of this Policy, whichever is less.

12.2. Overloading Fees

- 12.2.1. Overloading fees are set out in the Sixth Schedule of this Policy.
- 12.2.2. The Management Company has set vehicle overloading fees taking into consideration costs related to:
 - 12.2.2.1. road use calculated on a weight-distance basis;
 - 12.2.2.2. road damage costs;
 - 12.2.2.3. enforcement activities;
 - 12.2.2.4. congestion factor;
 - 12.2.2.5. capital investment; and
 - 12.2.2.6. other expenditure items borne by the road authority relating to implementation of this Policy.

12.3. Obligatory Weighing of Vehicles

- 12.3.1. Subject to this Policy, a person owning or operating a commercial vehicle with a gross vehicle mass of 3,500 kg or more must present such vehicle to be weighed at every

weighing station that is situated along the route traversed by such vehicle or that is designated for this purpose by the Management Company.

- 12.3.2. If a person fails to comply with subsection 12.3.1 above, an Authorized Official may impose on such a person any of the administrative sanctions contemplated this Policy.

12.4. Exemption from Obligatory Weighing

- 12.4.1. a person owning or operating a commercial vehicle has presented such vehicle to be weighed at an accredited Tatu City weighing station and such vehicle has been fully loaded;
- 12.4.2. a weighing station contemplated in subparagraph 12.4.1 has issued a weighing certificate or payment receipt certifying the weight of the vehicle does not exceed the Legal Load Limit and that the applicable weighbridge usage fee has been paid;
- 12.4.3. despite subsection 12.4.2, a person owning or operating a vehicle that has undergone pre-journey weighing in terms of subsection 12.4.1 must ensure that the weighing certificate or payment receipt issued on the pre-journey weighing is presented for verification at every Tatu City weighing station situated along the route traversed by such vehicle or that is designated for this purpose by the road authority; and
- 12.4.4. an Authorized Official may, despite the provisions of this section, require a vehicle in respect of which a pre-journey weighing certificate or payment receipt has been issued, to be weighed where there are reasonable grounds for concluding that such vehicle is carrying a load that exceeds the weight indicated on such certificate or payment receipt.

12.5. An overloading fee and weighbridge usage fee is payable by:

- 12.5.1. Safaricom's MPESA through an account number to be designated by the Management Company;
- 12.5.2. a credit or debit card approved by the Management Company;
- 12.5.3. an electronic transfer of funds into the central account designated by the Management Company; and
- 12.5.4. such other means as may be approved by the Management Company.

12.6. No person may carry an abnormal or Awkward Load on a Tatu City road unless:

- 12.6.1. a prescribed pre-journey declaration has been made to the Management Company or its designee;
- 12.6.2. an Abnormal Load or Awkward Load fee, has been paid to the Management Company; and

- 12.6.3. such person has been granted an exemption, where applicable, to operate an over-dimensional vehicle on a public road in legislation dealing with vehicle dimensions.
- 12.7. The Management Company may impose supplementary conditions on any person wishing to carry an Abnormal Load or Awkward Load, including but not limited to:
 - 12.7.1. the presentation of the vehicle and load to be weighed;
 - 12.7.2. the provision of escorts;
 - 12.7.3. the use of warning lights and devices;
 - 12.7.4. travel times; or
 - 12.7.5. any other matter that, in the opinion of a national road authority, is necessary for the safe carriage of such load and the protection of the road infrastructure and the environment.
- 12.8. The Management Company may prescribe a fee on any of the initial and supplementary conditions imposed on the carriage of an Overload.
- 12.9. An Authorized Official may, with regard to an Overloaded Vehicle, instruct the driver to:
 - 12.9.1. offload animals at a designated facility in order to avoid distress or suffering that may result from the detention of such vehicle; or
 - 12.9.2. proceed to an appropriate location to avoid a danger to the health or safety of persons or animals posed by dangerous cargo or to offload such cargo.
- 12.10. In the event that a vehicle is immobilized or impounded, the Management Company may direct that the cargo be sold or otherwise disposed of or destroyed, provided:
 - 12.10.1. the Management Company has given the owner or operator of the vehicle written notice of the intended sale or disposal; and
 - 12.10.2. the owner or operator has failed within the time period specified in such notice to take appropriate measures to dispose of the cargo.
- 12.11. The Management Company shall refund the proceeds of a sale to the owner or operator of the vehicle after deducting the Overloading fee and any costs incurred by the Management Company related to such sale or disposal.
- 12.12. The owner or operator of an Overloaded Vehicle shall be liable to pay compensation for any additional costs that may result from compliance with an instruction of an Authorized Official under this section.
- 12.13. Duties of the Carrier

12.13.1. A carrier:

12.13.1.1. carries any load at the carrier's own risk and is liable for any damage, other than pavement damage, that may occur to roads, bridges, and other property as a result of such carriage; and

12.13.1.2. may not remove any signs or structure along any road without the written permission of the person having jurisdiction over that sign or structure.

12.14. Liability for Vehicle Overloading

12.14.1. If it is established that a vehicle is carrying a load in excess of the Legal Load Limit, a person owning or operating such vehicle is liable to pay the prescribed Overloading fee to the Management Company or duly authorized agent.

12.14.2. If it is established that a vehicle carrying a load in excess of the Legal Load Limit while a journey is being undertaken, the vehicle in question may not continue its journey, unless the load can be redistributed and the vehicle is, upon being reweighed, found to be within the Legal Load Limit, or the vehicle is offloaded to lower its weight below the Legal Load Limit and:

12.14.2.1. any amounts due under subsection 12.14.1 have been paid to the Management Company or its duly appointed agent; or

12.14.2.2. a guarantee has been provided to the satisfaction of the Management Company or its duly appointed agent that such amounts will be paid within 48 hours.

12.14.3. The Management Company or its duly authorized agent is not liable for any loss or damage suffered by a carrier as a result of a vehicle being immobilized during the period contemplated in subsection 12.14.2.

12.14.4. The provisions of this section apply in addition to any measures adopted in this Policy.

12.15. Tatu City Weighbridge Procedures

12.15.1. The truck must be weighed at a designated Tatu City weighbridges to ascertain its axle load. The process involves:

12.15.1.1. The truck driver presents the documentation required for weighbridge processing.

12.15.1.2. At the weighbridge the truck follows the queue to wait for its turn to be weighed by the weighing bridge officials.

12.15.1.3. If the weight is within the set limits the truck driver is issued with a weighing receipt that captures the details of the truck and its axle load and pays a weighbridge usage fee prescribed in the fee schedule below.

12.15.1.4. If the weight exceeds set limits, the truck goes back to the queue to be weighed a second time.

12.15.1.5. A second confirmation of excess weight will result in the truck being flagged down by a Tatu City authorized weighbridge officer for payment of the applicable Overloading fine as indicated in the schedule below. A that captures the details of the truck and its axle load will be issued.

13. MISCELLANEOUS

13.1. Seatbelts

13.1.1. No person shall be in a Motor Vehicle which is in motion on a Road and occupy a seat in that Vehicle in respect of which a seat belt is fitted in accordance with this rule without wearing the seat belt.

13.2. Ropes, wires or poles across Road

13.2.1. No person may place any rope, wire or pole on, under or across any Road, or hang, or place anything whatsoever thereon, without the prior written permission of TCL or the Management Company.

13.3. Protection of Roads

13.3.1. No person may place upon or off-load on a Road any material or goods that are likely to cause damage to a Road unless the person has taken reasonable precautions to protect the surface of the public Road against damage.

13.4. Cleanliness of Roads

13.4.1. No person may spill, drop or place or permit to be spilled, dropped or placed, on a Road any matter or substance that may interfere with the cleanliness of the Road, or cause or is likely to cause any traffic, annoyance, danger or accident to any person, animal or vehicle using the Road, without removing it or causing it to be removed from the Road immediately.

13.4.2. If the person referred to in the above clause fails to remove the matter or substance, TCL or the Management Company may remove such matter or substance and recover the cost of removal from that person. TCL or the Management Company shall in addition have the powers to levy such fines as TCL or the Management Company may determine from time to time.

13.5. Article placed in building facing Road

13.5.1. No person may place any article likely to cause injury or damage to any person or property if it were to fall on a public Road, in any place near a Road without taking all reasonable steps to prevent it from falling onto the Road.

13.6. Cleaning and repairing on Roads

13.6.1. No person may clean or repair any part of a vehicle or wash, dry or paint any article or object on any Road except in the case of an emergency breakdown of a vehicle, when emergency repairs may be done.

13.7. Excavations on Roads

13.7.1. No person may make or cause to be made any hole, trench, pit or tunnel on or under any public Road or remove any soil, metal or macadam therefrom without the prior written permission of the Council, unless such person is authorised to do so in terms of these By-laws or any other law.

13.8. Defacing, marking or painting public Roads

13.8.1. No person may in any way deface, mark or paint any Road or part of a Road or any structure related to such Road, without the prior written permission of TCL or the Management Company.

13.9. Loitering on Roads

13.9.1. No person may:

- a. lie, sit, stand, congregate, loiter or walk, or otherwise act, on any Road in a manner that may obstruct traffic;
- b. jostle or loiter at or within 20 metres of the entrance of any place of public worship or event during hours of operation so as to obstruct any person going to, attending at, or leaving such place of worship or event.

13.9.2. Any person contravening this clause must, upon instruction by an Authorised Official, discontinue doing so.

13.10. Trolleys

13.10.1. The owner or the person who controls or has the supervision over a trolley or who offers it to be used by any person, or who uses it for any purpose whatsoever, may not leave or abandon it or permit it to be left or abandoned on any Road.

13.10.2. Any trolley which has been left or abandoned on any Road, may be removed, or caused to be removed, by an authorised official at a cost to be borne by the owner of the trolley.

13.11. Road collections

13.11.1. No collection on a Road may be organised or held without the prior written permission of TCL or the Management Company.

13.11.2. Every application must be accompanied by proof that the organisation or person intending to hold the Road collection is authorised to collect a contribution as a registered Charitable Organization or a Non-Governmental Organization registered under the Non-Governmental Organization Act, No. 19 of 1990.

- 13.11.3. TCL or the Management Company may grant permission to an organisation or person to hold a collection on a specified Road, and at a specified time and date and reserves the right to determine the number of collections which may be held on any one day on the Road so specified.

13.12. Control of stormwater and watercourses on Road

- 13.12.1. No person may, without prior written permission of TCL or the Management Company, which permission may be conditional or unconditional:
- a. lead or discharge any water on or over or across a Road; or
 - b. by any means whatever, raise the level of water in any river, dam or watercourse so as to cause interference with or endanger any Road.
- 13.12.2. TCL or the Management Company may, subject to applicable laws and after obtaining consent of the owner and the occupier, if any, of the land concerned:
- a. deviate any watercourse, stream or river if the deviation is necessary for the protection of a Road or structure related to a Road or for the construction of a structure connected with or belonging to a Road;
 - b. divert stormwater from or under any Road onto private property other than land occupied by buildings, other structures or improvements; and
 - c. pay reasonable compensation as agreed between the owner or occupier and TCL or the Management Company, for any damage caused as a result of any action taken in terms of paragraph (a) or (b).

13.13. Obstruction on Roads

- 13.13.1. No person may deposit or cause to be deposited or leave or cause to be left any sand, stone, earth, bricks, timber, lime, cement or other building or excavated material of whatever nature on any portion of any Road, sidewalk or footway unless it is deposited within an enclosure in respect of which the prior written permission of TCL or the Management Company has been obtained.
- 13.13.2. If any person causes an obstruction on a Road, an authorised official, may order such person to refrain from causing, or to remove, the obstruction.
- 13.13.3. If a person causing an obstruction cannot be found, or fails or neglects to remove, or to cease causing, such obstruction, an authorised official may take such steps as may be necessary to remove the obstruction, or to prevent its continuance and TCL or the Management Company may if the person concerned fails or neglects to remove or cease causing the obstruction, recover the cost of the removal of the obstruction from that person.

13.14. Planting on sidewalks

- 13.14.1. No person may plant or cause to be planted, any tree, shrub or other plant on any Road or any sidewalk, footway or Road reserve forming part thereof, which obstructs or interferes with pedestrian traffic on such sidewalk, footway or Road reserve or allow any such tree, shrub or plant to remain on that sidewalk, footway or Road reserve.

13.15. Permission to hoard in footway

- 13.15.1. Any person who intends on erecting, removing, altering, repairing or painting any part of a building or structure or carrying out any excavation, on part of any land which is within 2 metres of a Road, must before commencing any such work, enclose or cause to be enclosed a space in front of such part of the building, structure or land by means of a hoarding, fence or other enclosure or an enclosure specified in a permit issued in terms of Rule 12.18.3.
- 13.15.2. If the enclosure contemplated in Rule 12.18.1, occupies or projects over any portion of a Road, the person concerned must apply for a written permit from TCL or the Management Company and if the person making the application is not the owner of the building or land on which the work is to be done, the owner must countersign the application.
- 13.15.3. TCL or the Management Company may determine what portion of the Road is necessary for the purpose of carrying out any operations contemplated in Rule 12.18.1 and in every case where it determines that portion of Road may be used for such purpose, grant a permit in writing specifying the portion which may be occupied for such purpose and the conditions under which such permit is granted.
- 13.15.4. TCL or the Management Company reserves the right to withhold the issue of a permit required in terms of Rule 12.18.2, until all prescribed fees have been paid and the acceptance of any such permit by the applicant without objection, is taken to indicate that all kerbs, gutters and other works in the portion of the public Road concerned were in good order and condition on the date of issue of such permit.
- 13.15.5. Every permit granted by TCL or the Management Company for the erection of a hoarding, fence, scaffolding or an enclosure or a planked shed, must specify the area and precise position of that part of the Road where the enclosure, overhanging or covering is permitted and the period for which the permit is granted.

13.16. Animals on public Roads

- 13.16.1. No person may turn any animal loose on a Road.
- 13.16.2. No person may leave any injured, feeble, emaciated, diseased or dying animal on a Road except for the purpose of seeking assistance for the removal of such animal.
- 13.16.3. Any animal found on a Road may be taken to a place designated TCL or the Management Company, by any Authorised Official.

- 13.16.4. Any person contravening this section is liable, to pay TCL or the Management Company the cost incurred by it in acting in terms of Rule 12.19.3.
- 13.16.5. No person may walk a dog on a public Road unless it is on a leash and under control of that person.
- 13.16.6. Any excretion left by a dog on a Road, must immediately be removed by the person in charge of the dog and be deposited in a waste receptacle provided by TCL or the Management Company or removed from the Road.

13.17. General Prohibitions

- 13.17.1. No person may operate a Vehicle unless it is equipped with a hooter or warning device that is in good working order and capable of emitting a sound that is clearly audible by a person of normal hearing.
- 13.17.2. No person may throw or drop any object out of the window or door of a Vehicle including a burning match, cigarette, other burning or smouldering item or material or any item or material capable of spontaneous combustion or self-ignition or any item or material capable of causing the spontaneous combustion of any material in or along a Road or any other place.
- 13.17.3. No person may drive a Vehicle on a public Road recklessly or negligently; for the purposes of this paragraph, without restricting the ordinary meaning of the word “recklessly”, any person who drives a Vehicle with wilful or wanton disregard for the safety of persons or property is deemed to drive that vehicle recklessly.
- 13.17.4. No person may drive a Vehicle on a public Road without reasonable consideration for any other person using the Road.
- 13.17.5. No person while operating a Vehicle may ignore or disregard a Road Traffic Sign, unless otherwise directed by an authorised official.
- 13.17.6. No person may make a declaration or furnish information that the person knows to be false or misleading.
- 13.17.7. No person may operate or permit to be operated on a public Road a Motor Vehicle causing any excessive noise which could be avoided by the exercise of reasonable care.
- 13.17.8. No person may drive or attempt to drive while under the influence of a drink or drug to such an extent as to be incapable of having proper control of the vehicle.
- 13.17.9. No person shall, in order to avoid a build-up of traffic on a Road, drive a Motor Vehicle on, or through, a pavement or a pedestrian walkway.

14. INDEMNITY

- 14.1. TCL, the Management Company, their affiliates, officers, employees or authorised persons shall not be held liable in respect of any loss, harm or damage suffered or incurred (including reasonably incurred legal fees for defending any claims) as a result of any accident, theft, or injury to persons, or death arising from any use of the Roads or any Vehicles on the Roads.
- 14.2. The passengers of the Vehicles shall also indemnify and hold harmless TCL, the Management Company, their affiliates, officers, employees or authorised persons from any loss, harm or damage suffered or incurred (including reasonably incurred legal fees for defending any claims) as a result of any accident, theft, or injury to persons, or death arising from any use of the Roads or any Vehicles on the Roads.

15. ROAD LEVY AND WEIGHBRIDGE FEES

- 15.1. Vehicles using the Roads shall be liable to pay a road levy as shall be notified by TCL or the Management Company from time to time.
- 15.2. All Vehicles using the Roads agree that the road levy is a reasonable cost payable by the owners or users of the Vehicles for the maintenance, repair, amendment, alteration, rebuild, renewal and reinstatement of the Road infrastructure. TCL or the Management Company shall advise on the manner and intervals for payment of the road levy.
- 15.3. To enhance the service life of Tatu City Road assets, all commercial heavy vehicles with a gross vehicle mass of 3,500 kg or more must be presented to a weighing station that is designated by TCL or the Management Company and pay the applicable weighbridge fees and fines in line with Tatu City's Road overload control policy as revised from time to time.
- 15.4. If any person shall fail to pay the road levy or weighbridge fees as notified by TCL or the Management Company, TCL or the Management Company shall be entitled to deny or restrict the ingress or egress of the person's Vehicle within Tatu City and use of the Roads regardless of any contractual obligations that a person or Vehicle may have with any owner, their agents, their consultant, their contractor or their sub-contractor.

16. PENALTY

- 16.1. Any person who acts in contravention of or fails to comply with the provisions of this Policy, shall be guilty of an offence and liable to the fines as provided herein.
- 16.2. The fines shall be payable on demand via M-PESA to Pay bill Number 701662, Account Number: (nature of offence).
- 16.3. In addition to TCL's or the Management Company's right to levy fines for contravention or failure to comply with the provisions of this Policy, TCL or the Management Company shall, without prejudice to any other right under equity or the law, have the right to deny or restrict the ingress or egress of the person's Vehicle within Tatu City and use of the Roads regardless

of any contractual obligations that a person or Vehicle may have with any owner, their agents, their consultant, their contractor or their sub-contractor.

17. GENERAL

- 17.1. If any dispute arises with regard to the interpretation of this Policy, the matter shall be determined in accordance with TCL Complaints Handling and Dispute Resolution Policy.
- 17.2. TCL may modify or supplement this Policy at any time by issuance of written notice to that effect to Owners and Road Users provided that such modifications or additional provisions shall not apply retrospectively.
- 17.3. This TCL Road Use Policy shall be read together with the TCL Building Code, Master Declaration, the lease granted in respect of the Owner's Land and Applicable Laws and regulations (as amended from time to time).
- 17.4. This Policy shall be interpreted in accordance with the laws of the Republic of Kenya.

FIRST SCHEDULE: PERMISSIBLE MAXIMUM AXLE LOADS AND MAXIMUM GROSS VEHICLE WEIGHT LIMITS WITHIN TATU CITY

The Load Control Management provisions shall apply to all vehicles of 3,500 kg permissible weight or above and specifically:

- (a) overall width of 2.6 meters.
- (b) overall height of 4.6 meters from the road surface.
- (c) overall length of rigid vehicle 12.5 meters.
- (d) overall length of articulated vehicles 17.0 meters
- (e) overall length of any combination of vehicles 22.0 meters
- (f) the allowable axle weight is governed by the type of vehicles and its axle configuration.
- (g) sum total of allowed axle weight: 50,000 kg
- (h) approximate tare weight of truck/Trailer: 22,000 kg
- (i) allowable payload: 28,000 kg
- (j) any additional load on the axle shall attract Overload penalty to be payable to the Management Company.

SECOND SCHEDULE: MAXIMUM AXLE LOADS

Axle Group (with Pneumatic Tyres)		Maximum Axle Load (Kg)
A	Single Steering Axle (2 wheels fitted with single tyres)	8,000
B	Single Axle (4 wheels fitted with dual tyres)	10,000
C	Tandem Axle Group (8 wheels- dual tyres)	18,000
D	Triple Axle Group (12 wheels-dual tyres)	24,000

THRID SCHEDULE: MAXIMUM GROSS VEHICLE WEIGHTS

	Vehicle and Axle Configuration (Pneumatic Tyres)	Maximum Gross Vehicle Weight (Kg)
A	Vehicle with 2 axles	18,000
B	Vehicle with 3 axles	26,000
C	Vehicle and semi-trailer with total of 3 axles	28,000
D	Vehicle with 4 axles	30,000
E	Vehicle and semi-trailer with total of 4 axles	36,000
F	Vehicle and drawbar trailer with total of 4 axles	36,000
G	Vehicle and semi-trailer with total of 5 axles	44,000
H	Vehicle and drawbar trailer with total of 5 axles	44,000

I	Vehicle and semi-trailer with total of 6 axles	50,000
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FOUR SCHEDULE: BULK LIQUID TANKERS

Type of Vehicle or Trailer	Maximum Volume Bulk Liquid Tank (Cubic Meters)
Two-axle goods vehicle not exceeding 7,000 kg tare weight	11
Three-axle goods vehicle not exceeding 7,000 kg tare weight	18
Three-axle goods vehicle whose tare weight exceeds 7,000 kg but does not exceed 10,000 kg	14
Two-axle draw bar trailer not exceeding 6,000 kg tare weight	12
Three-axle draw bar trailer not exceeding 8,000 kg tare weight	17
Three axle semi-trailer drawn by a three-axle prime mover not exceeding 18,000 kg total tare weight	35
Three axle semi-trailer drawn by a two-axle prime mover not exceeding 17,000 kg total tare weight	28
Two-axle semi-trailer drawn by a three-axle prime mover not exceeding 17,000 kg total tare weight	24
Two-axle semi-trailer drawn by a two-axle prime mover not exceeding 15,000 kg total tare weight	19

FIFTH SCHEDULE: OVERLOADING FINES AND WEIGHBRIDGE FEES

a) *Overloading fines*

Degree of Each Axle Overloading or Excess Gross Vehicle Weight in Kg (kg.)	Fine (KES.)	
	Fine on First Violation (KES)	Fine on Second or Subsequent Violation (KES)
Less than 1,000 kg	5,000	10,000
1,000 kg or more but less than 2,000 kg	10,000	20,000
2,000 kg or more but less than 3,000 kg	15,000	30,000
3,000 kg or more but less than 4,000 kg	20,000	40,000
4,000 kg or more but less than 5,000 kg	30,000	60,000
5,000 kg or more but less than 6,000 kg	50,000	100,000
6,000 kg or more but less than 7,000 kg	75,000	150,000
7,000 kg or more but less than 8,000 kg	100,000	200,000

8,000 kg or more but less than 9,000 kg	150,000	300,000
9,000 kg or more but less than 10,000 kg	175,000	350,000
10,000 kg or more	200,000	400,000

b) *Weighbridge Fees*

All vehicles including those that are within the prescribed loads/weights will be required to pay KES 500 weighbridge usage fees for vehicles with two axles while vehicles with more than two axles will be required to pay KES 1,000. Vehicles with axle loads/Maximum Gross Vehicle Weights beyond the prescribed limits will pay both the Overloading fines and the weighbridge usage fees.