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THE NATIONAL ASSEMBLY



ELEVENTH PARLIAMENT – FIFTH SESSION – 2017

DEPARTMENTAL COMMITTEE ON TRANSPORT, PUBLIC WORKS AND HOUSING

REPORT ON THE PETITION BY RESIDENTS OF KAKAMEGA COUNTY REGARDING
DELAYED REHABILITATION OF KAKAMEGA AIRSTRIP.

DIRECTORATE OF COMMITTEE SERVICES,
CLERK'S CHAMBERS
PARLIAMENT BUILDINGS
NAIROBI

MARCH, 2017

ANNEXES

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CHAIRPERSON'S FOREWORD

The petition was presented before the House by the Hon. Bernard Shinali, MP on behalf of the petitioners. This is in accordance with the provisions of Standing Order 225 (2) (a). The petition requested the National Assembly to cause investigations into the quality of the resurfacing works done on the Airstrip's pavements in 2011 with a view to ascertain whether the reported pavement failures was occasioned by poor workmanship by the contractor and secondly intervenes to ensure that the Ministry of Transport, Infrastructure Housing and Urban Development, rehabilitates and extends the airstrip's pavements to International Civil Aviation Organization (ICAO) standards.

The petition was referred to the Departmental Committee on Transport, Public Works and Housing for consideration and report within sixty days as per the requirements of Standing Order 227.

In considering the petition, the Committee held meetings with the Hon. Bernard Shinali, MP, who appeared on behalf of the petitioners, and the Ag. Managing Director for the Kenya Airport Authority (KAA), Mr. Nicolas Bodo and the Principal Secretary for Transport, Mr. Irungu Nyakera on behalf of the Cabinet Secretary, Ministry of Transport, Public Works, Housing and Urban Development. The meetings were aimed at inquiring into the issues raised in the petition.

The Committee appreciates the assistance provided by the Offices of the Speaker and the Clerk of the National Assembly that enabled it to discharge its functions in considering the petition.

On behalf of the Committee and pursuant to Standing Order, 227 it is my duty to table on the Floor of the House the Report of the Committee on the petition.

Hon. Maina Kamanda, EGH, M.P.

EXECUTIVE SUMMARY

In this report the Committee has considered and responded to the prayers sought by residents of Ikolomani Constituency in a petition regarding the delayed rehabilitation of Kakamega Airstrip. The Committee found out that the prayers pursued by the petitioners were reasonable given that Kakamega Airstrip is a strategic transport installation that facilitates movement of passengers, business people and tourists to Kakamega Forest and other tourists destinations in Kakamega County and its environs.

The report entails presentations by the Hon. Bernard Shinali, M.P, on behalf of residents of Ikolomani Constituency, and the Ag. Managing Director for the Kenya Airport Authority (KAA), Mr. Nicolas Bodo, and the Principal Secretary, Mr. IrunguNyakera on behalf of the Cabinet Secretary from the Ministry of Transport, Infrastructure, Housing and Urban Development. Further the report entails detailed submissions from members of the public from Kakamega County who are primarily affected by the non-operation of the Airstrip. After presentations and deliberations, the Committee made a raft of recommendations which include:-

1. The KAA/KCAA officers responsible for the alleged misreporting of the runway's PCN as 10 instead of 7 by AIP, be held personally liable for the damages caused on the newly rehabilitated but barely used runway, since by misrepresenting facts, aircrafts with ACN above the pavement's surface strength of PCN 7 were allowed to operate on the weak airstrip.
2. The Ministry through the Kenya Airports Authority should immediately allocate sufficient funds for extension of the runway and construction of suitable facilities for the envisioned modern airstrip in the 2017/2018 Financial year.
3. The Ministry of Lands and NLC intervenes to:
 - (i) establish claims of historical injustices arising from non-compensation for land acquired in 1981 and causes completion of all pending compensation claims; and
 - (ii) support the Kakamega county government by fast tracking the process of acquisition of land, resettlement and compensation of families whose land is earmarked for acquisition for expansion of the airstrip.

2.0 MANDATE OF THE COMMITTEE

The Committee is established in accordance with the provisions of Standing Order No. 216, with the following terms of reference: -

1. To investigate, inquire into, and report on all matters relating to the mandate, management, activities, administration, operations and estimates of the assigned Ministries and departments;
2. To study the programme and policy objectives of Ministries and departments and the effectiveness of the implementation;
3. To study and review all legislation referred to it;
4. To study, access and analyze the relative success of the Ministries and departments as measured by the results obtained as compared with their stated objectives;
5. To investigate and inquire into all matters relating to the assigned Ministries and departments as they may deem necessary, and as may be referred to them by the House or a Minister;
6. To vet and report on all appointments where the Constitution or any law requires the National Assembly to approve, except those under Standing Order 204 (Committee on Appointments); and
- ~~7. To make reports and recommendations to the House as often as possible, including recommendation of proposed legislation.~~

The Committee under Standing Order 227 is mandated to respond to the petitioner by way of a report addressed to the petitioner or petitioners and laid on the floor of the House.

The Committee is mandated to consider matters of, Transport, Roads, Public works, Construction, Maintenance of roads, rails and buildings, air, seaports and housing and oversees the Ministry of Transport, Infrastructure, Housing and Urban Development

2.1 MEMBERS OF THE COMMITTEE

1. The Hon. Maina Kamanda, M.P. – **(Chairperson)**
2. The Hon. Eng. Mahamud Maalim, M.P. – **(Vice Chairperson)**
3. The Hon. Eng. Stephen Ngare, M.P.
4. The Hon. Ali Wario, M.P.
5. The Hon. Arch. David Kiaraho, M.P.
6. The Hon. Cecily Mbarire, M.P.
7. The Hon. Capt. Clement Wambugu, M.P.
8. The Hon. Eng. John Kiragu, M.P.
9. The Hon. Gideon Konchella, M.P.
10. The Hon. Barchilei Kipruto, M.P.
11. The Hon. Mark Lomunokol, M.P.
12. The Hon. Grace Kipchoim, M.P.
13. The Hon. Mathias Robi, M.P.
14. The Hon. Joseph Lomwa, M.P.
15. The Hon. Peter Shehe, M.P.
16. The Hon. Stephen Manoti, M.P.
17. The Hon. Emmanuel Wangwe, M.P.
18. The Hon. K.K. Stephen Kinyanjui Mburu, M.P.
19. The Hon. Suleiman Dori, M.P.
20. The Hon. Edick Omondi Anyanga, M.P.
21. The Hon. Simon NyaundiOgari, M.P.
22. The Hon. Johnson ManyNaicca, M.P.
23. The Hon. Mishi Juma, M.P.
24. The Hon. Aduma Owuor, M.P.
25. The Hon. Rashid Juma Bedzimba, M.P.
26. The Hon. Omar Mwinyi, M.P.
27. The Hon. Ahmed Abbas Ibrahim, M.P.
28. The Hon. Omulele Christopher, M.P.

29. The Hon. Mukwe James Lusweti, M.P.

2.2 COMMITTEE SECRETARIAT

The operations of the Committee are supported by the following staff

Mr. Samuel Kalama	First Clerk Assistant
Ms. Christine Ndiritu	Third Clerk Assistant
Mr. Abdifatah M. Bule	Third Clerk Assistant
Mr. James Chacha	Fiscal Analyst III
Mr. Ringera Humphrey	Research Officer III
Mr. Salem Lorot	Legal Counsel II

2.3 LIST OF RECOMMENDATIONS

The Committee made the following recommendations, that:

1. The Kenya Airports Authority (KAA) and/or the Kenya Civil Aviation Authority (KCAA) officers responsible for the alleged misreporting of the runway's Pavement Classification Number (PCN) as 10 instead of 7 by the Aeronautical Information Publication (AIP), be held personally liable for the damages caused on the newly rehabilitated but barely used runway, since by misrepresenting facts, aircrafts with and Aircraft Classification Number (ACN) above the pavement's surface strength of the Pavement Classification Number (PCN) 7 were allowed to operate on the weak airstrip.
2. The Ministry of Transport, Infrastructure, Housing and Urban Development through the Kenya Airports Authority should immediately allocate sufficient funds for extension of the runway and construction of suitable facilities for the envisioned modern airstrip in the 2017/2018 financial year.
3. The Ministry of Lands and the National Lands Commission (NLC) intervenes to:
 - i. Establish claims of historical injustices arising from non-compensation for land acquired in 1981 and causes completion of all pending compensation claims; and

- ii. Support the Kakamega county government by fast tracking the process of acquisition of land, resettlement and compensation of families whose land is earmarked for acquisition for expansion of the airstrip.

3.0 INTRODUCTION

3.1 The petition presented by the Hon. Bernard Shinali, MP member for Ikolomani Constituency, on behalf of residents of Kakamega County regarding the delayed rehabilitation of Kakamega Airstrip was presented in the House pursuant to Standing Order 225(2)(a) on 27th July 2016.

3.2 Pursuant to the House rules, the petition was referred to the Committee on 27th July 2016 for consideration and preparation of a report within 60 days. The Committee considered the petition pursuant to the provisions of Standing Order 227.

3.3 The Petitioners drew the attention of the House to the following;

1. THAT, transport and infrastructure network not only facilitates rapid movement of passengers, goods and services but also accelerates economy of a country;
2. THAT, Kakamega Airstrip is a strategic transport installation that facilitates movement of passengers, business people and tourists to Kakamega Forest and other tourists destinations in Kakamega County and its environs;
3. THAT, in 2010, the Ministry of Transport, Infrastructure, Housing and Urban Development closed the Airstrip and directed the Kenya Airports Authority (KAA) to resurface its pavements so as to improve the quality;
4. THAT, between February and October 2011 resurfacing was done, however the work was substandard which forced the Kenya Airport Authority(KAA) to discontinue operations at the Airstrip;
5. THAT, an evaluation of the pavements by the Material Testing and Research Department of the Ministry of Transport and Infrastructure indicated that the pavements had a zero residual life, which required major rehabilitation to restore them to usable state;

6. THAT, three (3) years later, neither the Ministry nor KAA had taken measures to rehabilitate this strategic Airstrip;
7. THAT, efforts to have the process expedited by the Ministry of Transport, Infrastructure, Housing and Urban Development have not yielded satisfactory action;
8. THAT, the issues in respect of which this Petition is made are not pending before any court of law, constitutional or legal body.

He then informed the Committee that the Petitioners were praying that the National Assembly, through the Committee:

1. cause investigations into the quality of the resurfacing works done on the Airstrip's pavements in 2011 with a view to ascertain whether the reported pavement failures was occasioned by poor workmanship by the contractor;
2. intervenes to ensure that the Ministry of Transport and Infrastructure, rehabilitates and extends the airstrip's pavements to International Civil Aviation Organization (ICAO) standards; and
3. makes any other order(s) deemed fit in the circumstances of the petitioners.

4.0 EVIDENCE

Upon referral of the two Petitions to the Committee for consideration, the Committee had firmly noted that both the Kakamega Airstrip and the Border posts at Busia and Malaba were critical and strategic infrastructural installations for spurring economic growth of the regions in which they are domiciled and the greater East African Community economic block. In this regard, the Committee undertook to conduct field visits of the said facilities with a view to establish the actual state of affairs and recommend effective interventions to address the petitioners' prayers. The Committee established a sub-Committee comprising of the following Members to undertake field visits to the said facilities:

1. The Hon. Emmanuel Wangwe, M.P. – Leader of Delegation
2. The Hon. Omulele Christopher, M.P.
3. The Hon. Aduma Owuor, M.P.
4. The Hon. Mukwe James Lusweti, M.P.
5. The Hon. Johnson Many Naicca, M.P.

4.1 Visits to Kakamega Airstrip in Kakamega County

The Committee visited Kakamega Airstrip on 14th September 2016 and paid a courtesy call on the Deputy County Commissioner – Mr. Hassan Noor. He briefed the Committee that the airstrip was indeed a crucial facility and that discontinuation of flights to Kakamega due to the dysfunctional state of the runway was detrimental to the region's economy. He added that the airstrip had immense economic viability in that it would serve business persons, leaders and passengers from the region and neighbouring Uganda. He urged the Committee to find ways of restoring the runway to usable state so as to see resumption of flights to Kakamega.

4.2 Courtesy call to the Office of the Governor and consultations with KAA

The Committee paid a courtesy call to the Office of the Governor and held deliberations with the Deputy Governor and the KAA. In his welcome remarks, the Deputy Governor informed the Committee that even though air transport and management of airports and airstrips was a function of the national government, the County Government of Kakamega viewed itself as substantial stakeholder in the initiatives for revamping the Kakamega Airstrip. He said that the facility was crucial for spurring economic growth in

the County, its neighbouring counties as well as neighbouring country of Uganda. He informed the Committee that the County Government took it upon itself to initiate the process of revamping and expanding the airstrip.

4.3 Submissions by the Hon Bernard Shinali, MP

The Hon. Bernard Shinali, submitted as follows:

1. THAT, transport and infrastructure network not only facilitates rapid movement of passengers, goods and services but also accelerates economy of a country;
2. THAT, Kakamega Airstrip is a strategic transport installation that facilitates movement of passengers, business people and tourists to Kakamega Forest and other tourists destinations in Kakamega County and its environs;
3. THAT, in 2010, the Ministry of Transport, Infrastructure, Housing and Urban Development closed the Airstrip and directed the Kenya Airports Authority (KAA) to resurface its pavements so as to improve the quality;
4. THAT, between February and October 2011 resurfacing was done, however the work was substandard which forced the Kenya Airport Authority(KAA) to discontinue operations at the Airstrip;
5. THAT, an evaluation of the pavements by the Material Testing and Research Department of the Ministry of Transport and Infrastructure indicated that the pavements had a zero residual life, which required major rehabilitation to restore them to usable state;
6. THAT, three (3) years later, neither the Ministry nor KAA has taken measures to rehabilitate this strategic Airstrip;
7. THAT, efforts to have the process expedited by the Ministry of Transport, Infrastructure, Housing and Urban Development have not yielded satisfactory action;
- ~~8. THAT, the issues in respect of which this Petition is made are not pending before any court of law, constitutional or legal body.~~

He then informed that Committee that the Petitioners were praying that the National Assembly, through the Committee:

1. cause investigations into the quality of the resurfacing works done on the Airstrip's pavements in 2011 with a view to ascertain whether the reported pavement failures was occasioned by poor workmanship by the contractor;
2. intervenes to ensure that the Ministry of Transport and Infrastructure, rehabilitates and extends the airstrip's pavements to International Civil Aviation Organization (ICAO) standards; and
3. makes any other order(s) deemed fit in the circumstances of the petitioners.

The Member, together with the Members of Parliament for Shinyalu and Lurambi Constituencies further informed the Committee that:

1. Those residents whose land had been earmarked for acquisition were willing to relinquish it to the government but were wary of failure to be compensated, considering that some of the families whose land the present airstrip occupies had not been compensated since they were forcibly evicted in 1981 to pave way for construction of the airstrip.
2. The county government had not disclosed the rate at which land owners would be compensated for their land and residents were worried that they may be given a raw deal as was the case in 1981 whereby compensation was allegedly incommensurate to the value of their land. That all pending compensation claims should be addressed before asking residents to surrender their land for the expansion project.
3. Proper valuation of land and property must be done and comparison made to rates being applied in compensating land owners in similar expansion projects being undertaken at other airstrips like Isiolo and Suneka.
4. The land in Likuyani where the county government had proposed to resettle the affected families was swampy and soggy, thereby making it unsuitable for human settlement and agricultural activities. As leaders, they would not allow their people to be moved from their arable settlement to poor economic use.

5. The county government should consider engaging the national government to negotiate possible excision of a section of Shikusa GK Prison or Nyayo Tea Zone land for resettlement of the affected families, instead of moving them to swampy land in Likuyani sub county.
6. That if degazettement of the kusa GK Prison or Nyayo Tea Zone land would be impracticable, the county government should consider offering cash compensation to affected families, based on reasonable valuation for their land and property at the prevailing market prices. This would allow them to settle in their preferred places.
7. The compensation plan for affected families should be formulated in a participatory approach such that owners of land earmarked for acquisition area adequately engaged and agreeable to the acquisition and compensation process.

4.4 Submission by the County Government

The County Executive Member (CEC) for Lands (Mr. Alfred Matianyi) submitted to the Committee as follows:

1. That the County Government was committed to partnering with the national government to improve operations of the airstrip;
2. That as part of the efforts to make the airstrip usable, following recarpeting of the runway by Kenya Airports Authority, the County Government liaised with the Kenya Airports Authority (KAA) and Kenya Forest Research Institute (KeFRI) and cut down trees around the airstrip so as to improve visibility of the runway;
3. That the County Government was concerned that even after the runway had been re-carpeted, flights were discontinued shortly thereafter due to alleged runway failure and that the length of the runway was so short that larger capacity aircrafts could not land or take off at the airstrip;
4. That in order to pave way for expansion of the airstrip, the County Government initiated a process of acquiring land around the airstrip for extension of the runway length to 2.2 kilometers, create room for sufficient buffer zone and establishment of requisite facilities for an expanded airstrip. The county government had already earmarked several parcels of land that would be consolidated in to 56 acres for the expansion project.

5. That the county government had engaged the National Land Commission (NLC) to advise and provide expert opinion on the modalities for acquisition of the targeted land and also secure consultants to conduct the valuation and advise on the process of acquisition of land and compensation of affected families.
6. That the county government had agreed on two modalities for compensation; being land-to-land and cash compensation for those who would have identified land on their own.
7. That the land acquisition process was almost complete and the county government had set aside funds in the 2016/2017 FY budget to facilitate the compensation of affected families as soon as they accept to relocate;
8. That the county government had already identified 113 acres of land in Likuyani sub-county for resettling of families that will agree to the option for land-to-land compensation.
9. That the county government was experiencing difficulties in convincing residents whose land would be acquired for expansion of the airport to relocate to alternative settlements. The NLC was being engaged to aid in fast tracking the process;
10. That the county government had acquired 15 acres of land at Mung'ang'a for establishment of the county waste management plant outside the 13km restricted radius from the airstrip to guarantee aircraft safety during take-off and landing.

4.5 Presentation by the Kenya Airports Authority (KAA) and Kenya Civil Aviation Authority (KCAA)

The Regional Manager for Western region, from KAA submitted to the Committee that—

1. The in 2011 the government commissioned resurfacing of the Kakamega Airstrip pavement/runway so as to improve the pavements riding quality.
2. That the pavement works were carried out within the contract specifications and standards with an actual Pavement Classification Number (PCN) value of 7, but the Aeronautical Information Publication (AIP) overrated the PCN value at 10.

3. That based on the misreporting, aircraft with an Aircraft Classification Number (ACN) higher than the actual pavement PCN were permitted to operate at the airstrip on regular basis, contrary to the requirement for aircraft PCN to be lower than the pavement PCN. Particularly, Dash-8-100, ACN 9 aircraft were allowed to operate at the airstrip, yet its pavement strength was rated at PCN 8.
 4. That the use of aircraft with PCN value heavier than the actual PCN of the pavement exerted excessive stress to the lower pavement layers, thereby causing pavement failure arising from depressions that emerged particularly along the path regularly toed by aircraft wheels during landing and take-off. This made it risky for the pavement to be used during landing and/or take-off.
 5. That, flight to Kakamega airstrip were terminated and the airstrip closed to allow evaluation of the pavement and appropriate restoration to usable state.
 6. That, an assessment of the pavement jointly undertaken by the KAA and the Material Testing and Research Department (MT&RD) of the Ministry of Transport, Infrastructure, Housing and Urban Development revealed that the airstrip's pavement had a zero (none) residual life and can no longer be used by aircraft other than helicopters.
 7. That, the government intends to overhaul the pavement and extend it by 800m in order to accommodate large capacity of domestic carriers to and from the destination. This was estimated to be done at a cost of KShs. 500 million.
 8. That the KAA, in conjunction with the Kenya Civil Aviation Authority (KCAA) had already completed surveys for the expansion and drawn the designs for the new-look airstrip, including the runway and other facilities.
 9. That funding for rehabilitation of Kakamega airstrip and other airstrips in Western region such as Lodwar, Kitale, Bungoma and Webuye airstrips had not been released by the Ministry since it had not been factored in the 2016/2017 FY.
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4.6 Tour of the facility

The Committee conducted a tour of the facility and inspected the quality of the entire runway surface and noted that:

1. The runway was uneven and dilapidated to the extent that deep depressions had developed, mainly along the path used by rear wheels of the aircraft during taxing, take-off and landing.
2. The runway was so short that it could not accommodate larger capacity domestic carriers. In fact, the landing point was barely 20m from the fence demarcating the airstrip and residential homesteads, a scenario that exposes residents to danger from aircraft taking off or landing at the airport.
3. The total land upon which the airstrip is located was narrow and could not allow expansion of the airstrip without encroaching on nearby private land.

4.7 Public hearing with petitioners

The Committee held a public hearing at the Chief's Office to hear and receive submissions from members of the public. The following representatives of the petitioners made the corresponding public presentations:-

(a) Mr. Patrick Chungani (Patron of the Kakamega Airstrip Community)

Mr. Chunganimade the following presentation-

1. That the process of land acquisition and compensation in 1981 was carried out without compliance to due procedures for land acquisition and people forcibly evicted from their land to pave the way for establishment of the airstrip
2. That compensation was shrouded with defects and discrepancies and awards made were not equivalent to the value of the parcels of land acquired for the project then. Affected families were not involved and did not sign compensation agreements with the government to signify their acceptance or otherwise of the proposed value.
3. That the government managed the process unilaterally, thereby denying residents their right to fair and justifiable chance to take part in the process of arriving at agreeable compensation rates.
4. That some of the residents whose land had been taken by the government in 1981 are yet to be compensated, yet plans were underway for another phase of land acquisition for expansion of the airstrip without addressing historical injustices of 1981 and losses incurred though the anomalies of the process.

5. That residents were willing to give up their land for the ongoing second phase of land acquisition for expansion of Kakamega Airstrip as long as the process is participatory and undertaken in compliance with applicable procedures and guidelines on land acquisition
6. That proper valuation for land and property at the prevailing market prices be undertaken by independent property valuers before affected families leave their homes so as to avoid a repeat of the 1981 scenario where compensation was awarded at the government's discretion.
7. That residents were concerned that after renovation of the runway, the airstrip was not operational, thereby accruing no benefits to the community and the region which highly supports its existence.

(b) Youth Representative

Mr. Moses ShivekaKhayumbi made the following presentation on behalf of the youth:

1. That the youth of Shinyalu are in support of expansion of the airstrip
2. That some of their parents and grandparents whose land was taken up for construction of the airstrip had been poorly compensated while some of them were yet to be compensated since 1981
3. That the ongoing process of land acquisition would only obtain support of the youth if it is done in an inclusive and participatory manner, where all affected families are heard directly or indirectly through legitimate representation of a Committee led by Mr. Patrick Chungani.
4. That the government should do proper valuation for land and compensate families at market value
5. That affected families should be allowed to relocate to places of their choice, rather than being forced to relocate to swampy and infertile land in Likuyani.

(c) Male representative

Mr. Mark Litiamo presented the following on behalf of men

1. That the initial acquisition of land for establishment of Kakamega Airstrip was forcibly done by the government in 1981, thereby subjecting affected families to torture, suffering and disruption of life;
2. That residents were not afforded the opportunity to be heard and to negotiate with the government on the relocation from their land and proper compensation plan.
3. That affected families were given paltry compensation, as low as Ksh. 900.00 that was not commensurate to the market value of their land then;
4. That some compensation payments were partially done, with the government promising to clear the balance later, which balance is yet to be paid up to date;
5. That some beneficiaries are already deceased yet they lost their land, and even their families have not been compensated
6. That the ongoing land acquisition should not be undertaken by force, whereby residents are being forced to move to Likuyani, which is infertile and unsuitable for human settlement since the land is swampy
7. That the government should engage residents on a harmonious land acquisition plan where interests of the families earmarked to relocate will be addressed
8. That the rates for compensating affected families should be based on market value for land and rates offered to land owners in similar projects like Kisumu, Mombasa, Malindi, Sunekaand Isiolo airports;
9. That the community feels the airstrip is no longer beneficial to the region since it is not operational, no passengers are using it and hotel and taxi operators that used to benefit from the airstip have lost business
10. That the government should revamp the airstrip as soon as practicable or cause the land to revert to the community for alternative economic use.

(d) Women Representative

Mrs. LoyceIndasi made the following presentation to the Committee on behalf of women:

1. That residents allowed the government to acquire land for the airstrip hoping to benefit from the facility economically

2. That the facility only operated for a short time with low volume aircrafts, which were terminated in 2011
3. That the community feels the facility has not been used to capacity, yet there are plans to acquire more land for expansion and there was no need to expand it yet it has not realized full potential;
4. That having the interest of improving transport infrastructure, residents are willing to move from their land for the said expansion
5. That before moving people, the government should allow affected families to view the alternative land being offered for land compensation in Likuyani and agree to move there instead of moving them to unsuitable land.

(e) Representatives of taxi operators

Mr. Joseph Luchiri, Chairman, Kakamega Taxi Operators Association informed the Committee that –

1. Operations at the airport used to be a major source of livelihoods to taxi drivers and operators, mainly youths who could benefit from airport transfer services and cargo transport to and from the airstrip
2. The rehabilitation of the runway that was followed by operations by larger capacity domestic carriers especially Fly 540 had increased the passenger traffic and light cargo handling at the airport, thereby increasing fortunes for taxi drivers and operators.
3. The increase in passenger volume was a major source of employment and income to youths who served as taxi drivers before the airstrip was closed
4. Termination of flights cut the hopes of taxi drivers and operators whose livelihood was dependent upon operations at the airstrip, thereby increasing joblessness and poverty, especially among the youth.
5. Resultant joblessness was increasing crime among the youth and insecurity in the area. This problem could be addressed if the airstrip was revamped and operations resumed.

6. That economic benefits of the airstrip that would have accrued to taxi operators in Kakamega have been moved to Kisumu, yet Kakamega Airstrip can be operationalized so as to benefit residents.

4.8 Presentation by the Principal Secretary for Transport, Mr. Irungu Nyakera

On Thursday, 18th November, 2016 the Committee further engaged the Principal Secretary for Transport on the matter after a fact finding visit. The principal Secretary reiterated that:

The pavements at Kakamega Airstrip were resurfaced in 2011. However, the pavement began failing soon after the resurfacing works. The Ministry engaged the Materials Testing and Research Department (MT&RD) to evaluate the pavements. The report contained the following salient findings;

i) Asphalt concrete

Asphalt used to resurface was within the contract specifications for the runway resurfacing project carried out by the construction company contracted to carry out the works in 2011.

ii) Pavement Classification Number (measurement of pavement Strength)

The actual runway Pavement Classification Number (PCN) value is 7 and not 10 as reported in the current Aeronautical Information Publication (AIP).

As a result of the information in the AIP, aircraft with an Aircraft Classification Number (ACN) value higher than actual PCN were permitted to operate on a regular basis at the airstrip from 2009 (specifically Dash 8-100, ACN 9). In practice the ACN value must be lower than the PCN value for aircraft to safely operate at an aerodrome. This contributed to excessive stress on the lower pavement layers (base and sub-base).

1. The Ministry further instructed Kenya Airports Authority (KAA) in 2010 to resurface the pavements at Kakamega Airstrip, it was on the premise that PCN value as reported in the AIP was correct and the objective of resurfacing was to improve the riding quality of the pavements.
2. It was not apparent at the time that excessive stress on the lower pavement layers was slowly causing deterioration of the asphalt concrete layer. Continued

operation of Dash 8 after resurfacing work consequently resulted in pavement failure.

3. From the pavement evaluation report, the pavement at the airstrip has a zero (none) residual life indicating that it requires a major rehabilitation intervention in order to be serviceable.
4. Using the following parameters:-
 - i) Design Aircraft; Dash 8-100 series;
 - ii) Annual Air Traffic growth rate of 3%;
 - iii) Design subgrade of 6% CBR;
 - iv) Estimated annual landings in base year 2015 of 948; and
 - v) Design period of 20 years.

The Chief Engineer (MT&RD) recommended major rehabilitation with the following flexible pavement structure.

Surfacing: 100mm asphalt concrete layer
 Base: 150mm crushed aggregate
 Subbase: 100mm gravel material

Reconstruction measures need to be implemented alongside addressing surface and subsurface drainage.

5. The Kenya Airports Authority Engineers further made the following recommendations in order to address surface and subsurface drainage;
 - a) Surfacing: 100mm asphalt concrete layer to FAA aircraft design standards;
 - b) Base: 150mm graded crushed stone
 - c) Subbase: 100mm drainage layer incorporating a filter membrane;
 - d) Sub soil drainage system along the runway; and
 - e) Concrete lined drains parallel to the runway at a distance recommended by ICAO pavement design standards.

Further, it is recommended that the runway be extended by at least 800m in order to accommodate large capacity of domestic carriers.

6. The cost of rehabilitation and extending the existing pavements is approximately Kshs.500 million.
7. Given that the current Government Policy on investment of projects in airports is to first conclude the ongoing projects, Kenya Airports Authority will include the proposed rehabilitation of Kakamega Airstrip in the 2017/2018 Financial Year Budget for consideration and funding by the Government.

5.0 COMMITTEE OBSERVATIONS

The Committee made the following observations from submissions made in the meetings and public hearings and the inspection tour of the facility, that:-

1. Operations at the Kakamega Airstrip were terminated due to runway surface failure. However, the airstrip has immense economic viability due to its strategic location to serve travelers and business people from the county, neighboring counties and Uganda. Investing in its expansion was therefore worthwhile since flights to the route reportedly had sufficient passengers and cargo prior to termination;
2. Compensation for some families as promised during acquisition of land to pave the way for establishment of the airstrip in 1981 had not been effected to date, raising feelings of historical injustice among residents.
3. The current acreage of the airstrip's land was too small and prohibitive to present and future expansion to accommodate an extended runway and modern facilities requisite for large domestic carriers as demand for air transport to the destination increases.
4. In recognition of the economic importance of the airstrip, the Kakamega County Government identified land around the airstrip with a view to increase the total acreage to 56 acres. The government was liaising with the National Land Commission to negotiate and formulate an agreeable compensation framework for owners of the land earmarked for acquisition.

5. The county government had made budgetary provisions in the 2016/2017 FY to cater for compensation for land and property. It was also in the process of acquiring 113 acres of land in Likuyani Sub-County for resettlement of families whose land would be acquired for the project. However, the process of acquiring the said land was not yet complete.
6. The residents within the area of the proposed expansion of the airstrip were willing to relinquish their land subject to reasonable compensation for their land and developments thereto. However, fears that the injustices of 1981, viz in commensurate compensation, delayed payments or failure to be compensated, may be replicated in the proposed acquisition of land for the airstrip's expansion.
7. The county government had taken care of environmental safety considerations and commenced the process of acquiring 15 acres of land at Mung'ang'a for setting up a waste treatment plants outside a radius of 13km from an airport/airstrip in accordance with ICAO requirements.
8. The rehabilitated runway was uneven and dilapidated to the extent that deep depressions had developed, mainly along the path used by rear wheels of the aircraft during taxing, take-off and landing. This cast doubts to the quality of works done by the contractor who undertook the resurfacing of the runway.
9. The actual runway PCN value for the runway rehabilitated in 2011 was rated as 7 but was reported as 10 by the Aeronautical Information Publication. However, the source of information and motive behind the grave misreporting by AIP was unclear.
10. Survey and designs for the new runway and facilities were done by the KAA and KCAA. However, it was unknown when construction would commence since it was established that the national government had not factored the Kshs. 500 million estimated for the project in its 2016/2017FY.

6.0 RECOMMENDATIONS

In response to the prayers by the petitioners, the Committee recommends that;

1. The Kenya Airports Authority (KAA) and/or the Kenya Civil Aviation Authority (KCAA) officers responsible for the alleged misreporting of the runway's Pavement Classification Number (PCN) as 10 instead of 7 by the Aeronautical Information

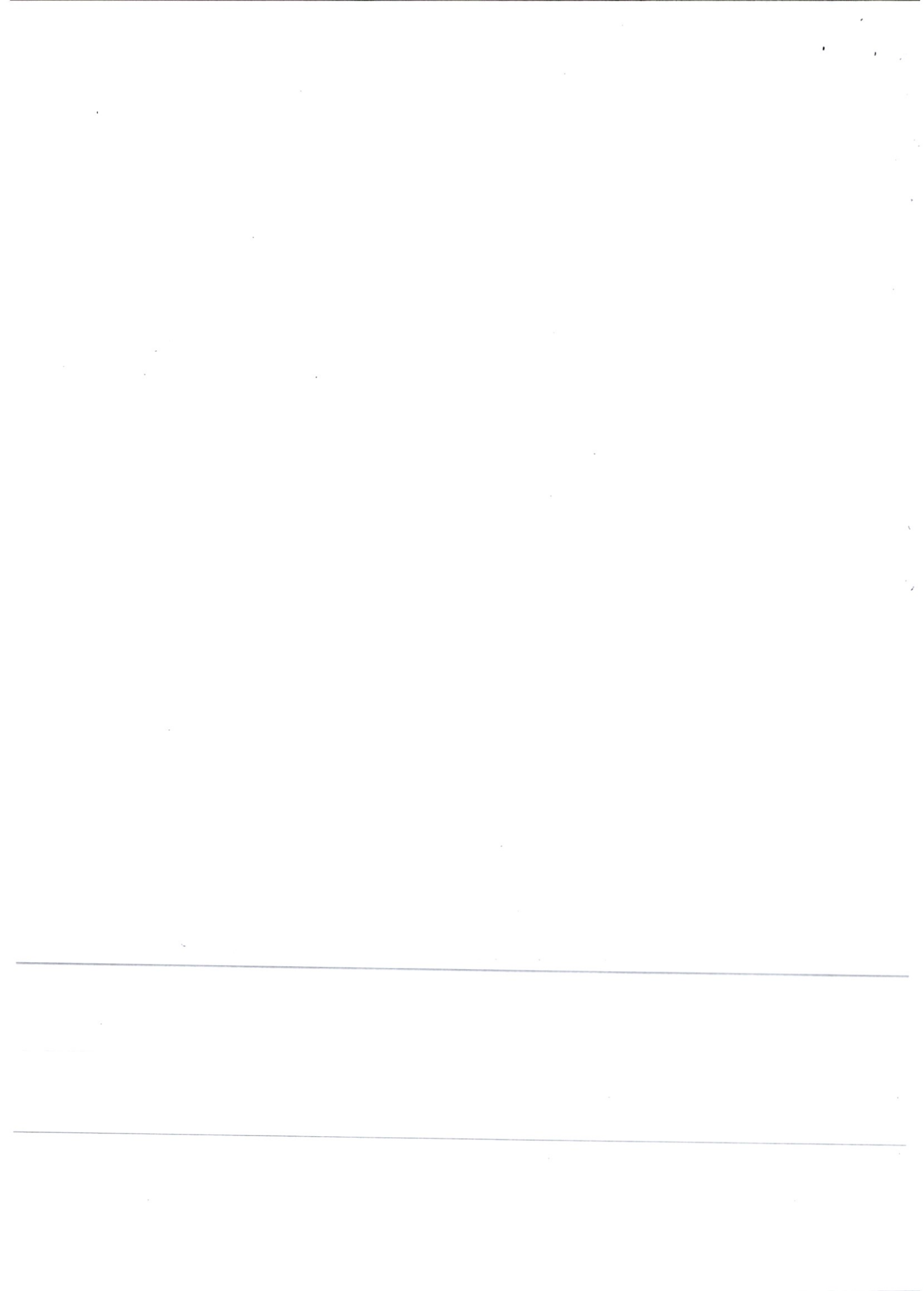
Publication (AIP), be held personally liable for the damages caused on the newly rehabilitated but barely used runway, since by misrepresenting facts, aircrafts with and Aircraft Classification Number (ACN) above the pavement's surface strength of the Pavement Classification Number (PCN) 7 were allowed to operate on the weak airstrip.

2. The Ministry of Transport, Infrastructure, Housing and Urban Development through the Kenya Airports Authority should immediately allocate sufficient funds for extension of the runway and construction of suitable facilities for the envisioned modern airstrip in the 2017/2018 financial year.
3. The Ministry of Lands and the National Lands Commission (NLC) intervenes to:
 - i. Establish claims of historical injustices arising from non-compensation for land acquired in 1981 and causes completion of all pending compensation claims; and
 - ii. Support the Kakamega county government by fast tracking the process of acquisition of land, resettlement and compensation of families whose land is earmarked for acquisition for expansion of the airstrip.

Signed..........Date..........

Hon. Maina Kamanda, EGH, M.P.

Chairperson, Departmental Committee on Transport, Public Works and Housing



MINUTES OF THE 56TH SITTING OF THE TRANSPORT, PUBLIC WORKS AND HOUSING COMMITTEE HELD ON SATURDAY 10TH DECEMBER, 2016 IN BOMA HOTEL, NAIROBI AT 9:00 AM

PRESENT

1. Hon. (Eng.) Mahamud Maalim, M.P. –**Vice Chairman**
2. Hon. Simon Nyaundi Ogari, M.P.
3. Hon. K.K. Stephen Kinyanjui Mburu, M.P
4. Hon. Aduma Owuor, M.P.
5. Hon. Ahmed Abbas Ibrahim, M.P
6. Hon. Mark Lomunokol, M.P.
7. Hon. (Arch.) David Kiaraho, M.P.
8. Hon. Barchilei Kipruto, M.P
9. Hon. Stephen Manoti, M.P.
10. Hon. Omar Mwinyi, M.P
11. Hon. Mathias Robi, M.P.
12. Hon. (Eng.) Stephen Ngare, M.P.
13. Hon. Johnson Many Naicca, M.P
14. Hon. Joseph Lomwa, M.P.
15. Hon. Peter Shehe, M.P.

ABSENT WITH APOLOGY

1. Hon. Maina Kamanda, M.P. – Chairperson
2. Hon. Ali Wario, M.P.
3. Hon. Chachu Ganya, M.P.
4. Hon. Rashid Juma, MP
5. Hon. Gideon Konchella, M.P.
6. Hon. Omulele Christopher, M.P
7. Hon. Suleiman Dori, M.P.
8. Hon. Mukwe James Lusweti, M.P.
9. Hon. (Eng.) John Kiragu, M.P
10. Hon. (Capt.) Clement Wambugu, M.P.
11. Hon. Grace Kipchoim, M.P
12. Hon. Emmanuel Wangwe, M.P.
13. Hon. Mishi Juma, M.P.
14. Hon. Cecily Mbarire, M.P.

IN ATTENDANCE

- NATIONAL ASSEMBLY

- | | |
|--------------------------|-----------------------|
| 1. Mr. Samuel Kalama | First Clerk Assistant |
| 2. Mr. Abdifatah M. Bule | Third Clerk Assistant |
| 3. Ms. Christine Ndiritu | Third Clerk Assistant |
| 4. Mr. Salem Lorot | Legal Counsel |
| 5. Mr. James Chacha | Budget Officer |

MIN/DC-TPWH/2016/222 Preliminaries

The Chairperson called the meeting to order at 9:10 am with a word of prayer. He then presented the agenda as follows:-

1. Prayer
2. **Consideration and adoption of the following reports**
 - a) Report on a petition by residents of Nyeri Town Constituency on the use of Asbestos as a roofing material;
 - b) Report on the petition by residents of Busia County regarding decongestion of Busia and Malaba towns;
 - c) Petition by the residents of Kakamega County regarding delayed rehabilitation of Kakamega Airstrip;
 - d) Petition by the residents of South Imenti Constituency regarding the status of Nkubu-Mikimbune road, and ;
 - e) Petition by the residents of Kathiani Constituency regarding non-completion of the Mumbuni-Kathiani road.
3. Any Other Business

MIN/DC-TPWH/2016/223

(a) Consideration and adoption of the Report on a petition by residents of Nyeri Town Constituency on the use of Asbestos as a roofing material;

The Committee considered and adopted the report on the petition by residents of Nyeri Town Constituency on the use of Asbestos as a roofing material. The adoption of the report was proposed and seconded by the Hon. Mathias Robi, M.P and the Hon. Omar Mwinyi, M.P respectively with the following observations and recommendations:-

Observations

The Committee made the following observations, that:-

1. The use of Asbestos as a roofing material was widespread in Nyeri Town Constituency and in other parts of the country;
2. Exposure to Asbestos is hazardous to human health and can cause Mesothelioma Cancer which affects the membrane lining of the lungs and abdomen and presents symptoms similar to those of respiratory illnesses;
3. The National Government no longer uses Asbestos as a roofing material and in cases where Asbestos was used as a roof finish; the houses have been systematically replaced with other roofing materials;
4. There has been a low budgetary allocation for the refurbishment of housing units across the country. As a result, the Ministry has not been able to sufficiently revamp Government houses countrywide;

RECOMMENDATIONS

In response to the prayers by the petitioners, the Committee recommends that:-

1. The Ministry of Transport, Infrastructure, Housing and Urban Development should urgently conduct a site visit to Nyeri Town Constituency to survey and give a conclusive way forward on the Houses that are still roofed using Asbestos;
2. The Ministry, while preparing the budget for the Financial Year 2017/18 should include estimates for re-roofing works on Government owned houses that are still roofed with Asbestos in Nyeri Town Constituency and also in other parts of the country.
3. The Ministry of Health should conduct an assessment on all residents who have been exposed to Asbestos to determine the extent to which their health has been affected.

b) Consideration and adoption of the Report on the petition by residents of Busia County regarding decongestion of Busia and Malaba towns

The Committee considered and adopted the report on the petition by residents of Busia County regarding decongestion of Busia and Malaba towns. The adoption of the report was proposed and seconded by the Hon. Simon Nyaundi Ogari, M.P and the Hon. (Arch.) David Kiaraho, MP respectively with the following observations and recommendations:-

Observations

The Committee made the following observations, that:-

1. Both Busia and Malaba Towns are heavily congested by transit trailers that crisscross the border;
2. Decongestion of both towns was multifaceted; it required expansion of the roads leading to the border posts to dual-carriage ways; construction of by-passes; opening up of additional border posts; and fully operationalizing the OSBP at the two border towns so as to speed up clearance and reduce congestion;
3. The OSBP system was already operational at Busia town, albeit being faced with various systemic challenges. These include unsynchronized operations by the multiple agencies involved in the system and strained infrastructure;
4. At Malaba, the facility for OSBP system was under construction. The Kenyan section was nearly complete while the Uganda section would be completed in about four months from the time the Committee visited the town;
5. Both the county government of Busia and relevant agencies of the national government did not have requisite funds for carrying out expansion of the roads and construction of by-passes;

COMMITTEE'S RECOMMENDATIONS

In response to the prayers by the petitioners, the Committee recommends as follows:-

1. The Ministry of Transport and Infrastructure, in conjunction with the County Government of Busia, identifies viable routes for construction of by-passes around Busia and Malaba Towns, and fast-tracks acquisition of land for construction of the by-passes and trailer parks so as to ease congestion in the two towns;
2. The national government, through the Ministries of East African Affairs engages the government of the Republic of Uganda to explore possibilities for opening new Border Posts, possibly at Mulwanda, Lwakhakha, Kapesuru and Buteba, so as to spread the clearance of transit goods across the multiple Customs Offices thereby reducing congestion at the existing two Posts of Busia and Malaba;
- ~~3. The Ministry of Transport, Infrastructure, Housing and Urban Development, in conjunction with the County Government of Busia should identify an alternative bus station and fast-track the relocation of the bus terminal from the entry point to Busia border post as a measure to ease congestion at the border point.~~
4. Considering the strategic importance that Busia and Malaba Border Points hold in regional economy, the Commission on Revenue Allocation (CRA) should consider ~~making provisions for special allocation of funds to Busia County Government to~~

undertake major infrastructure expansion projects in Busia and Malaba towns so as to ease congestion and make the two border points competitive in the region.

(c) Consideration and adoption of the report on petition by the residents of Kakamega County regarding delayed rehabilitation of Kakamega Airstrip;

The Committee considered and adopted the report on the petition by the residents of Kakamega County regarding the delayed rehabilitation of Kakamega Airstrip. The adoption of the report was proposed and seconded by the Hon. Barchilei Kipruto, MP and the Hon. K.K. Stephen Kinyanjui Mburu, M.P respectively with the following observations and recommendations:-

Observations

The Committee made the following observations, that:-

1. Operations at the Kakamega Airstrip were terminated due to runway surface failure. However, the airstrip has immense economic viability due to its strategic location to serve travelers and business people from the county, neighbouring counties and Uganda. Investing in its expansion was therefore worthwhile since flights to the route reportedly had sufficient passengers and cargo prior to termination;
2. Compensation for some families as promised during acquisition of land to pave the way for establishment of the airstrip in 1981 had not been effected to date, raising feelings of historical injustice among residents.
3. The current acreage of the airstrip's land was too small and prohibitive to present and future expansion to accommodate an extended runway and modern facilities requisite for large domestic carriers as demand for air transport to the destination increases.
4. In recognition of the economic importance of the airstrip, the Kakamega County Government identified land around the airstrip with a view to increase the total acreage to 56 acres. The government was liaising with the National Land Commission to negotiate and formulate an agreeable compensation framework for owners of the land earmarked for acquisition.
5. The county government had made budgetary provisions in the 2016/2017 FY to cater for compensation for land and property. It was also in the process of acquiring 113 acres of land in Likuyani Sub-County for resettlement of families whose land would be acquired for the project. However, the process of acquiring the said land was not yet complete.
6. The residents within the area of the proposed expansion of the airstrip were willing to relinquish their land subject to reasonable compensation for their land and developments thereto. However, fears that the injustices of 1981, viz in commensurate compensation,

- delayed payments or failure to be compensated, may be replicated in the proposed acquisition of land for the airstrip's expansion.
7. The county government had taken care of environmental safety considerations and commenced the process of acquiring 15 acres of land at Mung'ang'a for setting up a waste treatment plants outside a radius of 13km from an airport/airstrip in accordance with ICAO requirements.
 8. The rehabilitated runway was uneven and dilapidated to the extent that deep depressions had developed, mainly along the path used by rear wheels of the aircraft during taxing, take-off and landing. This cast doubts to the quality of works done by the contractor who undertook the resurfacing of the runway.
 9. The actual runway PCN value for the runway rehabilitated in 2011 was rated as 7 but was reported as 10 by the Aeronautical Information Publication. However, the source of information and motive behind the grave misreporting by AIP was unclear.
 10. Survey and designs for the new runway and facilities were done by the KAA and KCAA. However, it was unknown when construction would commence since it was established that the national government had not factored the Kshs. 500 million estimated for the project in its 2016/2017FY.

Recommendations

In response to the prayers by the petitioners, the Committee recommends as follows:-

1. On the first prayer with regard to investigations into the quality of the resurfacing works done on the Airstrip's pavements in 2011 with a view to ascertain whether the reported pavement failures was occasioned by poor workmanship by the contractor; the Committee recommends that: The KAA/KCAA officers responsible for the alleged misreporting of the runway's PCN as 10 instead of 7 by AIP, be held personally liable for the damages caused on the newly rehabilitated but barely used runway, since by misrepresenting facts, aircrafts with ACN above the pavement's surface strength of PCN 7 were allowed to operate on the weak airstrip.
2. On the second prayer with regard to the rehabilitation and extension of the airstrip's pavements to International Civil Aviation Organization (ICAO) standards by the ministry ~~the Committee recommends that the Ministry through Kenya Airports Authority should~~ immediately allocate sufficient funds for extension of the runway and construction of suitable facilities for the envisioned modern airstrip in the 2017/2018 Financial year
3. The Ministry of Lands and NLC intervenes to:
 - i. Establish claims of historical injustices arising from non-compensation for land Acquired in 1981 and causes completion of all pending compensation claims; and