

# KTA NEWSLETTER

**A COLLABORATIVE EFFORT FOR ENHANCED TRANSPORT COMPLIANCE AND SAFETY**



## INSIDE

- Compliance & Safety
- MPOX Disease Alert
- KTA Opposes Truck Entry Fees
- Correct Vehicle Loading
- Mombasa Port Charter
- Unlawful Practices
- Dongo Kundu Bypass Opened
- Fairer RECTS Seals Practices
- Cargo Statistics



**BECOME A MEMBER**

**JOIN TODAY!**

### ORDINARY MEMBERSHIP

Fees Payable

- Entrance Fee: KES. 1,000
- Membership Fee: KES. 10,000
- Subscription Fee: KES. 2,000 Per Truck Per Year
- Truck Stickers: KES. 200 Per Truck
- Membership Certificate: KES. 500



On the 19th and 20th of the month of August 2024, the **Kenya Transporters Association (KTA) Secretariat** undertook a familiarization visit to Mombasa County various police stations, traffic enforcement department. The purpose of the visit was to engage with key police officers responsible for traffic management in various police stations across the county. This initiative underscores the symbiotic relationship between the Kenya Transporters Association and the Kenya Police, where both entities play crucial roles in promoting road safety and regulatory compliance within the transport sector.

The Kenya Police enforce laws to **ensure compliance**, while the KTA advocates for its members to adhere to these regulations, thereby fostering a culture of **self-regulation among transporters**. During the visit, the Secretariat team, led by the **Chief Operations Officer, Mr. Philemon Koko**.

The team visited the following police stations:

Makupa Station	Changamwe Station	Mazeras Station
Mariakani Station	Mombasa Port Station	Central Station
Nyali Station	Mikindani Station	Mtwapa Station

The team had productive meetings with the respective Base Commanders and their deputies in charge of traffic at each station. These discussions emphasized the critical role of the Kenya Police in ensuring **security and compliance** within the transport sector. The collaboration between KTA and the Kenya Police is essential in **facilitating trade** and promoting a safe and conducive environment for business operations.

The **Kenya Transporters Association (KTA)** is optimistic that this partnership will continue to strengthen, fostering an environment where compliance and safety without harassment are prioritized, ultimately benefiting the entire transport industry.

# MPOX DISEASE ALERT: SAFEGUARDING THE HEALTH OF OUR TRANSPORTERS



With the recent outbreak of **MPOX Disease**, it is imperative that we take proactive measures to protect transporters workforce, particularly those constantly on the move. The **Ministry of Health** issued a press release emphasizing the urgent need for public awareness and preventive actions. Below is an overview of the current situation and the necessary steps we all must take to prevent the spread of **MPOX**.

## MPOX Disease: A Public Health Emergency of Continental Concern

On July 13, 2024, the Africa Center for Disease Control and Prevention declared the outbreak of MPOX as a Public Health Emergency of Continental Concern (PHECC).

### The Ministry of Health has implemented several measures to curb the spread of the disease:

1. **Enhanced Surveillance:** Surveillance activities have been intensified nationwide to detect any suspected cases of MPOX early.
2. **Coordination:** The Ministry has activated Public Health Emergency Operation Centers and established Incident Management Teams across the country to coordinate response efforts effectively.
3. **Issuance of Advisories:** Healthcare workers are being continually sensitized about MPOX, including guidance on case identification, infection prevention, and control measures.
4. **Public Sensitization and Alerts:** Ongoing efforts are being made to educate the public and engage communities in understanding the risks associated with MPOX and the measures to prevent its spread.

### Preventive Measures for MPOX

The Ministry of Health stresses the importance of vigilance and adherence to health guidelines to prevent MPOX transmission. Key preventive measures include:

1. **Frequent handwashing** with soap and water or using an alcohol-based sanitizer.
2. **Avoiding contact** with individuals exhibiting MPOX-like symptoms.

### Signs and Symptoms of MPOX

MPOX typically presents with the following symptoms, which can last for 2-4 weeks

- Skin rash
- Sore throat
- Fever
- Headache
- Muscle aches
- Back pain
- Low energy
- Swollen lymph glands

### Steps to Take if You Suspect MPOX

If you or someone you know experiences the above symptoms, especially after traveling to an area with reported MPOX cases or after contact with an infected person, please take the following steps:

1. **Inform** anyone you have been in close contact with over the past **21 days** to visit the nearest health facility.
2. **Visit the nearest health facility** for assessment by a qualified health professional.
3. **Cover any skin lesions** and wear a well-fitting mask when around others.
4. **Avoid** physical contact with others.

As a vital part of Kenya's transport sector, it is crucial that we remain vigilant and adhere to these guidelines to protect our health and the health of those we serve. The Kenya Transporters Association is committed to supporting our members during this time by providing ongoing updates and resources.

**Stay safe, stay informed, and let us work together to keep our roads and communities safe**



In its 12<sup>th</sup> August 2024 advisory publication, the **Kenya Transporters Association (KTA)** strongly voiced its opposition to the recent imposition of entry fees for all trucks transiting through Busia County on national government roads. Busia, a vital border county connecting Kenya with Uganda, serves as a key gateway for exports and imports passing through the Busia and Malaba borders.

**The Busia County Finance Act 2023 (Schedule 5, Part D)** mandates that all transit trucks and trailers entering Busia County pay an entry fee, effective from August 1, 2024. This includes trucks crossing the borders of Busia and Malaba.

**In response, KTA outlined several reasons for its firm opposition to this measure:**

- 1. Violation of Constitutional Provisions:** KTA argues that the imposition of truck entry fees by Busia County contravenes Article 209 of the Kenyan Constitution, which allows county governments to levy charges only for services rendered. This article is intended to prevent arbitrary taxation by ensuring a direct link between the service provided and the fee charged.
- 2. Unreasonable Financial Burden:** The association highlights that trucks often traverse multiple counties to deliver essential goods and services, including imports and exports. Imposing entry fees in every county would significantly increase transportation costs, leading to higher prices for essential commodities. Notably, there are **15 counties** between the **Busia/Malaba** borders and the port of Mombasa.
- 3. Overreach into National Government Functions:** KTA asserts that national roads, maintained by the Kenya National Highways Authority (KeNHA), fall under the jurisdiction of the national government. County governments, therefore, lack the authority to impose restrictions or fees on these roads.
- 4. Negative Economic Impact:** The entry fee could raise the cost of imports and exports, making the Northern Corridor less competitive. As a result, traders might opt for alternative routes, such as the Central Corridor through Tanzania.
- 5. Barrier to Trade:** The KTA contends that the entry fee contradicts national policies aimed at reducing trade barriers and facilitating smoother commerce.

KTA's stance is supported by the **Supreme Court's ruling in *Base Titanium Limited v. County Government of Mombasa & the Attorney General (Petition No. 22 of 2021)***, which reaffirmed the principle of constitutional legality in taxation. The ruling emphasized the distinction between national and county roads, making it clear that counties cannot levy charges or restrict movement on national roads.

Given these considerations, **KTA unequivocally rejected the Busia County trucks entry fees** and is urging the county to rescind the measure. If Busia County persists, **KTA recommended the following actions:**

- 1. Government Intervention:** The National Government and the Council of Governors should step in to compel Busia County to withdraw the entry fees.
- 2. Transporter Resistance:** Transporters should refuse to pay the fees and consider halting truck movements through Busia County, even to the point of parking trucks or offloading cargo.
- 3. Importer/Exporter Caution:** Importers and exporters are advised to avoid routes through Busia County due to the potential for increased costs and the risk of similar fees being introduced by other counties.
- 4. Consideration of Alternative Routes:** KTA suggests that importers and exporters explore the use of the Tanzania Central Corridor, which is generally more business-friendly and cost-effective.

KTA emphasizes the importance of maintaining a **favorable business environment** and stands firm against any unconstitutional laws or actions that could hinder trade and economic growth.



The **Kenya Transporters Association (KTA)** emphasizes the critical importance of **proper vehicle loading** and cargo distribution in the transport industry. Adhering to permissible weight limits and ensuring even cargo distribution are crucial for road safety and the longevity of transport infrastructure and vehicles. The **East African Community Axle Load Control Act 2016** provides guidelines to prevent risks such as road damage, vehicle breakdowns, and accidents caused by overloading or improper cargo distribution. **Compliance** with these guidelines is not just a legal requirement but a fundamental practice for safe, efficient, and sustainable transportation operations.

**Understanding Axle Load Limits:** One of the primary challenges faced by transporters is managing vehicle load limits. Some are caught off guard at **Kenya National Highways Authority (KeNHA)**-managed weighbridges, leading to costly fines for exceeding axle/gross load limits. These penalties not only strain financial resources but also cause significant delays, disrupting delivery schedules and overall business operations.

To mitigate these risks, it is advisable to weigh your vehicle at a private weighbridge before embarking on your journey. This step enables you to assess and adjust the weight distribution of your cargo, ensuring compliance with axle and gross weight limits. By taking this proactive approach, you reduce the likelihood of incurring fines and delays.

**Securing an Official Weighbridge Ticket:** After confirming that your vehicle is within load limits at a private weighbridge, it is imperative to weigh in at the first **KeNHA**-managed static weighbridge from the point of loading. Even if the High-Speed Weigh-in-Motion (HSWIM) system clears your vehicle, obtaining an official weighbridge ticket is crucial. This document serves as essential proof of compliance and can be invaluable for future reference.

Transporters are advised to instruct their drivers to request a weighbridge ticket, even if the system has cleared them. Securing this ticket immediately after loading is vital, as obtaining one after the vehicle has already left the weighbridge is often difficult and bureaucratic. Having this ticket ensures smooth operations and demonstrates compliance with legal requirements.

**Choosing the Right Truck:** Selecting the appropriate truck for your cargo is another key factor in preventing vehicle overloads. Transporters must choose vehicles with the correct number of axles and proper tire configuration to support the cargo's weight. Choosing an unsuitable truck can result in improper weight distribution, leading to axle or gross overload and potential fines.

Additionally, driving a loaded vehicle with a lifted terius (one or more lifted axles) is an offense that attracts punitive fines. Ensuring that all tires are in contact with the ground when the vehicle is loaded is a legal requirement and a crucial safety measure. It helps maintain vehicle stability, prevents accidents, and preserves road infrastructure.

**Understanding Cargo Nature and Arrangement:** Finally, transporters must be mindful of the nature and type of cargo being transported. Proper cargo arrangement is critical to prevent shifting during transit, which can cause imbalances and lead to axle overloads. Understanding how different types of cargo should be loaded and secured can significantly reduce the risk of penalties and improve overall transportation safety.

**Conclusion:** Compliance with vehicle loading and cargo distribution regulations is essential for all transporters. Adhering to these guidelines not only helps avoid unnecessary fines and delays but also contributes to safer and more efficient transport operations across Kenya. The Kenya Transporters Association urges all transporters to take these recommendations seriously and ensure their vehicles consistently meet legal axle/gross load limits.

By prioritizing compliance, transporters play a crucial role in enhancing road safety, protecting infrastructure, and ensuring the smooth operation of the transport sector.

The Meeting was represented by the Participants from the following organizations; KPA, KRA, SCEA, KTA, KIFWA, KenTRADE, TMA, KRC, KMA, Northern Corridor.



The Kenya Transporters Association (KTA) participated in the first-quarter meeting of the Monitoring & Evaluation (M&E) Sub-Committee, held from 28<sup>th</sup> to 30<sup>th</sup> August 2024 at Hotel Gelian in Machakos, with representation by Mr. Philemon Koko who actively contributed insights based on KTA's extensive experience in the transport sector.

The M&E Sub-Committee focused on utilizing the Charter's Result Framework (RF) as a strategic management tool, ensuring that the M&E activities are aligned with the Charter's overall objectives. The RF provides a structured approach to measuring progress and assessing the impact of various initiatives under the Charter.

A key area of discussion during the meeting was the performance of the Charter's Key Performance Indicators (KPIs), essential metrics for gauging the effectiveness of the Charter in achieving its goals. The Sub-Committee conducted a comprehensive review of the KPIs, analyzing data and trends to identify areas of success and those requiring further attention. Additionally, the Sub-Committee evaluated the Charter's overall impact since its inception, assessing its effectiveness in enhancing trade facilitation, reducing transit times, and improving the operational efficiency of the Mombasa Port and the Northern Corridor. Each Intergovernmental Department gave a comparative result to allow the M&E Committee make business decisions in the coming up with a report to be presented to the Presidential Task Force.

Source: KTA

## ENGINEERED FOR SAFETY DESIGNED FOR THE ROAD

Discover four ways you can enhance the safety of your vehicle, driver, and other road users with the Scania Safety Package.




Other distinct advantages of choosing a Scania truck include:

- ✓ Pre-installed Fleet Management System
- ✓ Comprehensive Driver Training
- ✓ In-house Financing Solutions
- ✓ Extensive Regional Service Network

For more information or to place an order, please reach out to us via:

Phone: +254 722 203 813  
Email: salesadmin\_ke@scania.com  
Website: www.scania.co.ke



 Choose our safety package with any model at the time of order.

**SCANIA**



The **Energy and Petroleum Regulatory Authority (EPRA)** recently identified a concerning trend involving petroleum road tanker drivers engaging in illegal activities. These activities include the diversion of petroleum products to unauthorized and unlicensed storage and siphoning facilities across the country.

In light of these incidents, EPRA emphasizes the importance of adhering to Regulation 20 of the Energy (Licensing of Petroleum Road Transportation Business) Regulations, 2013.

**These regulations impose strict requirements on all petroleum road tanker drivers, including but not limited to the following:**

1. **Valid Permit Requirement:** Drivers must ensure that any petroleum road tanker under their control has a valid permit issued by the Authority or its designated agent.
2. **Maintaining Product Quality:** Drivers are strictly prohibited from tampering with the quality of petroleum in their custody.
3. **Prohibition of Diversion:** It is illegal to divert petroleum intended for export into the local market.
4. **Legal Compliance:** Drivers must operate in full compliance with the Energy Act, Petroleum Act, Standards Act, Local Government Act, Environmental Management and Coordination Act, Occupational Safety and Health Act, Weights and Measures Act, Traffic Act, Customs and Excise Act, and any other applicable laws.
5. **Authorized Transportation:** Petroleum should only be transported for licensed petroleum business entities or imported through approved routes as per the East African Customs Management Act, 2004.
6. **Loading and Discharging:** Petroleum must be loaded only from licensed storage facilities and discharged only at licensed destinations, end-users for consumption, or for export outside Kenya.
7. **Emergency Preparedness:** Drivers must adhere to the emergency preparedness and response plan established by the petroleum platform.
8. **Vehicle Inspection:** Regular pre-loading inspections of the tanker vehicles must be carried out in accordance with a checklist approved by the Authority or its agents.
9. **Safe Parking Practices:** Petroleum road tankers should be parked in designated areas or at least 100 meters from any building when such designated parking areas do not exist.
10. **Obeying Instructions:** Drivers must comply with all legitimate written instructions issued by the Authority.

EPRA urges all stakeholders in the transport sector to report any drivers found engaging in these illegal practices, which constitute a serious breach of licensing conditions and the provisions of the Petroleum Act 2019. The Authority will take legal action against any driver found guilty of such violations.

## DONGO KUNDU BYPASS: A STRATEGIC MILESTONE FOR TRANSPORTERS

After nearly five years of anticipation, the Sh40 billion Dongo Kundu bypass has officially opened to the public, marking a significant milestone in Kenya's infrastructural development. The bypass, which connects **Miritini** in the west of **Mombasa** to **Kibundani** in **Kwale**, began construction in 2018.

For years, the ferry crossing channel has been the most challenging aspect of Mombasa's transport infrastructure, notorious for delays and heavy traffic congestion. These issues have led to significant time losses, particularly affecting scheduled safaris and airport transfers. The delays at the ferry crossing have also had serious implications for goods transport, increasing transit times and affecting the overall efficiency of logistics operations.

Recognizing the strategic importance of the Dongo Kundu bypass, the **Kenya Transporters Association (KTA)** is lobbying and advocating for its use as a transit route. The KTA is currently engaging with **the Kenya Revenue Authority (KRA)** to ensure the route is geofenced and gazetted as an official transit corridor. This would allow transporters heading to Kwale and Tanzania to utilize the bypass, significantly improving truck turnaround times by avoiding the notorious ferry delays.

However, it is crucial for transporters conveying goods under customs control to exercise caution. The use of the bypass is not yet authorized for such goods until the geofencing and gazettment process is complete. Transporters are urged to adhere strictly to the current regulations to avoid being charged with the offense of cargo diversion.

The Dongo Kundu bypass represents a transformative development in the region's transport infrastructure, promising enhanced efficiency and reduced transit times. The KTA remains committed to ensuring that this new route becomes a fully recognized and utilized transit corridor, benefiting the entire logistics industry.

Source: KTA

### ASSOCIATE MEMBERSHIP

The membership is open to organizations or firms with strategic business interest in the transport sector

### DOCUMENTATIONS

Copy of PIN certificate/Tax Compliance Certificate

Copy of Certificate of Registration/Incorporation

Letter of application seeking membership with KTA

A signed copy of the Code of Conduct.

Joining fee KES. 100,500 which is payable annually.

### BENEFITS

- ❖ Strategic Branding
- ❖ Events & Networking
- ❖ Research & Insights
- ❖ Free Adverts
- ❖ Access to Members Data



### ULTIMATE MOBILITY SOLUTION

- Up to 80% financing
- 48 Months repayment period
- 60 days repayment holiday
- Competitive interest rate offered

TERMS & CONDITIONS APPLY

Contact [AssetFinanceTeam@ncbagroup.com](mailto:AssetFinanceTeam@ncbagroup.com) for more information.



For more information contact  
[CoastRegionAssetFinanceTeam@ncbagroup.com](mailto:CoastRegionAssetFinanceTeam@ncbagroup.com) (NCBA)  
[sales@abbatrucks.co.ke](mailto:sales@abbatrucks.co.ke) (Abbas Trucks)  
TERMS & CONDITIONS APPLY

[ncbagroup.com](http://ncbagroup.com) **Go for it**

NCBA Bank Kenya PLC is regulated by the Central Bank of Kenya

## KTA ADVOCATES FOR FAIRER RECTS SEAL PRACTICES IN CRUCIAL TALKS WITH KRA



On the 15th of August 2024, the Kenya Transporters Association (KTA) management held a crucial meeting with the Kenya Revenue Authority (KRA) to discuss pressing issues regarding the RECTS (Regional Electronic Cargo Tracking System) seal management. The KTA delegation was led by Chairman Mr. Newton Wang'oo, while the KRA team was headed by Ms. Josephine Manyasi, Deputy Commissioner of the Cargo Scanning and Monitoring Department of Customs and Border Control.

*The meeting focused on several key concerns raised by KTA regarding the RECTS seal policy, including:*

- 1. Clarification of the USD 2,500 Fee:** KTA sought to understand the nature and basis of the USD 2,500 fee associated with lost seals. Questions were raised on whether this fee constitutes a penalty, a fine, or a cost recovery measure.
- 2. Responsibility for the Fee:** There was a need for clarity on who bears the responsibility for the fee – whether it is the transporter or another party involved in the transportation process.
- 3. Definition of an Offense:** KTA requested a clear definition of what constitutes an offense under the RECTS seal regulations, as the current policy seems to impose a blanket presumption of guilt on transporters.
- 4. Actual Cost of RECTS Seals:** An inquiry was made into the precise cost of a RECTS seal, to better understand the financial implications for transporters.
- 5. Handling of Negligence Cases:** Discussions were held on how cases of negligence, both on the part of KRA and the transporter, are managed under the current policy.
- 6. Accidental Seal Loss:** KTA sought clarification on the procedure for resolving cases of accidental seal loss.
- 7. Transporter Access to Seal Information:** The lack of information available to transporters about the status of seals within their fleet was a major concern that KTA urged KRA to address.
- 8. Cost Recovery vs. Penalty:** KTA proposed that KRA consider a model that recovers the actual cost of lost seals instead of imposing a flat fee, which might help deter seal theft and reduce the likelihood of a black market for seals.

*The discussions resulted in several agreements aimed at improving the RECTS seal management process:*

- 1. Monthly Engagements:** Both parties agreed to hold regular monthly meetings to address ongoing and emerging issues related to E-seal management.
- 2. E-Seal Management Review:** A comprehensive review of the E-seal management processes will be undertaken to identify potential areas for improvement and ensure smoother operations.
- 3. Support for Transporters:** KTA will continue to provide support to its members facing challenges with E-seals, including escalating unresolved issues to the relevant authorities.

Transporters are encouraged to reach out to the KTA Secretariat for assistance with any E-seal related concerns or issues regarding unaccounted-for seals. KTA remains committed to advocating for the interests of its members and will work closely with KRA to streamline the RECTS seal management process, ensuring fairness and transparency for all parties involved.





## VISION

A united association of global excellence in advancing sustainable road freight services

## MISSION

To strengthen and improve transportation by serving and leading its diverse membership through advocacy, innovation and information sharing

## FIND US



**KTA\_Kenya**



**Kenya Transporters Association Ltd**



**0731010000**



**SECRETARIAT**

**0731010000**

## GET IN TOUCH

**TOM MBOYA ROAD,  
TUDOR, MOMBASA  
P.O BOX 88502 – 80100  
MOMBASA, KENYA**

The Kenya Transporters Association Limited (KTA) is a business association of road transporters whose broad objective is to provide a common voice to articulate business constraints facing its members, while being a united association of global excellence in advancing sustainable and competitive road freight services in Kenya, East Africa Region and beyond.

# CARGO STATISTICS COLUMN

CONTAINER TERMINAL (AUG. 2024)		15 <sup>th</sup> – 21 <sup>st</sup>	22 <sup>nd</sup> – 28 <sup>th</sup>	Change
Total Number of Ships		17	21	4
Total Delivered Containers by Road (TEU'S)		8,030	11,146	3,116
Delivered C'ners by Road	LOCAL	2,920	5,671	2,751
Delivered C'ners by Road	TRANSIT	4,663	5,483	820
Delivered C'ners by SGR		3,022	4,288	1,266
Imports Population Breakdown	LOCAL	1,076	2,699	1623
	TRANSIT	3,565	5,285	1720
Transit in Yard Breakdown	Burundi	128	150	22
	D.R. Congo	222	413	191
	Ethiopia	8	21	13
	Rwanda	605	1036	431
	Somalia	0	16	16
	S. Sudan	0	305	305
	Tanzania	252	473	221
	Uganda	2350	2871	521
Deliveries to CFSS	Consolbase	161	343	182
	Msa C.T	84	147	63
	Compact	251	358	107
	Interpel	57	245	188
	Mitchell Cotts	269	247	-22
	Awanad	41	85	44
	Portside	186	70	-116
	Focus	133	522	389
	MICT	108	258	150
	Makupa Yard	76	113	37
	MICD	106	123	17
	Autoport	219	409	190
	Regional	91	458	367
	Greatlakes	0	0	0
Siginon	50	222	172	
Boss Freight	97	243	146	

Source: KPA



SUPASTOP provides long-distance drivers with secure parking spot, decent and affordable accommodation alongside other amenities they need while on transit

### DRIVER INCENTIVES

- If you fuel 100 – 199 litres you get free parking for one night
- 200 – 299 litres, free parking for one night and a meal.
- 300 and more litres, you get free parking for one night, a meal and one-night stay in a single room