



OFFICE OF THE RESIDENT ENGINEER

Ref. KeNHA/06.B/WMC5/Vol.1 (095)

Date: 8th June, 2022.

Operations Manager,
M/s. Masterspace Solutions Limited JV Gokhan Technical Services Limited,
P.O. Box 7193-00300, 57933-00200,
NAIROBI.

Dear Sir,

**MANAGEMENT, OPERATION AND MAINTENANCE OF BUSIA AND RONGO
WEIGHBRIDGE STATIONS AND THE 1577 KM ADJACENT ROAD NETWORK.**

CONTRACT NO. KeNHA/WB/RA&CM/3559/2021

**RE: INCONSISTENCIES IN THE APPLICATION OF OVERLOAD TOLERANCES
FINES AND WAIVERS**

Reference is made to the above subject matter.

The Authority is mandated to ensure adherence to the rules and guidelines on Axle Load Control under Kenya Roads Act, 2007 section 4 (2) (d) *“(ensuring adherence to the rules and guidelines on axle load control prescribed under the Traffic Act (Cap 403) and under any regulations under this Act)”*.

The Authority is also implementing and enforcing the Axle Load Compliance through the EAC Vehicle Load Control Act, 2016 and its accompanying regulations on the network where this is applicable.

The Authority recently conducted an Internal Audit at the Weighbridge Stations and the following observations were made:

- a) There are inconsistencies in the allowable tolerances given to transporters above the allowable Gross Vehicle Weight. Some weighbridges are enforcing an allowable tolerance of 200kgs of GVW while others are allowing 300kgs.
- b) There are Inconsistencies in the computation of applicable fine and penalties. In some Weighbridge Stations, fines are computed as a sum of the excess GVW and Axle Loads while in other stations, the fines are computed on either excess GVW or Axle Load, whichever is higher.
- c) Inconsistencies in the application of waivers and allowable limits for vehicles operating under SACCO's.

Audit Recommendation.

There should be harmony in the application of applicable laws and regulations in all weighbridge stations.

Following the above recommendations, we instruct as follows:

1. The allowable limit and tolerances on GVW for all Vehicles should be 200kgs at all Weighbridge Stations.
2. All vehicles operating under SACCO's are allowed to carry an additional 1 ton for 2-Axle configuration vehicles and 2 tonnes for 3-Axle & 4-Axle configuration vehicles. These tolerances are effected through the issued Exemption Permits; therefore NO ADDITIONAL tolerance should be granted at the weighbridge above the stipulated allowable weights captured in the Exemption Permits.
3. Fines and penalties for overloading should be computed on the excess GVW or Axle Load, whichever is higher and not on both. The fines should be as prescribed in **The EAC Vehicle Load Control (Enforcement Measures) Regulations, 2018, THIRD SCHEDULE.**
4. All Exemption Permits should be verified thoroughly using QR code scanners as well as the Permit application numbers so as to weed out counterfeit permits.

Kindly expedite.

Yours faithfully,

Eng. Michael A. Ngala
RESIDENT ENGINEER