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KENYA  
CO 533/436P. W. Dept. activities in the Mt. Nakuru District & Kerumu Areas.Report of Select Committee.

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Trans. wishes of report of Select. Committee appointed to inquire into certain questions affecting P.W.D. activities in the old Nakuru, Eldoret & Kisumu Divisions

A summary of the conclusions of the majority of the Committee will be found on page 15.

? Part to under or until a response is received from the Govt. on the subject  
R.D. Davis 30 May

Detailed comment is premature. A cursory perusal indicates that there is a good deal to be said for Mr. Thorpe's memorandum and the reservation of the Deputy Auditor & Col. Walker (pp 16 & 18).

R. D. Davis  
30 May

1-1-33

REPORT OF COMMITTEE APPOINTED TO  
ENQUIRE INTO CERTAIN QUESTIONS  
AFFECTING PUBLIC WORKS DEPARTMENT  
ACTIVITIES IN THE OLD NARURU, ELDORET AND  
KISUMU DIVISIONS.

Your Excellency,

Your Excellency appointed us to enquire into certain matters concerning the maintenance of main trunk roads and other activities of the Public Works Department in certain divisions and, as a preparatory note to our Report, we think it will be an advantage to set out as briefly as possible the progress of events which led up to our appointment.

INTRODUCTORY.

2. When the establishment of Rural authorities in a system of Local Government was under consideration by the Local Government Commission, 1927, it was generally recognised by witnesses who appeared before that Commission that the first duties to be undertaken by such authorities, if established, should be in connection with the construction and maintenance of roads. The classification of roads existing at that time was of a provisional and departmental nature, and in their report the Local Government Commission advised a re-classification which had the effect of classifying as district roads a considerable mileage of roads previously classified by the Director of Public Works as main roads. In the six areas within which Rural authorities have in fact been established whereas previously the mileage of "main" and "district" roads had been 571 and 1355 respectively, the classification proposed by the Local Government Commission resulted in 439 miles being classified as main trunk roads, and 1425 as district roads. Since 1928 a number of feeder roads have been completed out of Loan funds and handed over to District Councils, with the result that the total mileage of District Roads in the six areas in question now amounts to 1671 miles.

3. In discussing the extent to which District Councils should be the Controlling Road Authority, a frequent point made by witnesses before the Commission was that, so long as there were two road authorities in respect of roads in the same area, there would be duplication of staff and other overhead expenses. The Commission, however, did not propose that District Councils should become responsible for the care of all public roads within their areas of jurisdiction, but thought that it should be recognised that some roads are clearly of national importance and that the control of these roads should remain with the Central Government. The Commission did not think that the class of roads that existed from district control should be expanded so as to include all the roads serving as main lines of communication; and remarked that, if district bodies are only given the less important roads to deal with, their work will not be on a sufficient scale to stimulate public interest or to attract the energies of the men best qualified to serve as members and it will be impossible for them to incur the expenditure on staff and plant which will be necessary for the purpose of enabling them to do their work with efficiency. The Commission indicated that it would be open to Government, while itself retaining control of main roads outside municipal areas, to arrange with any District

may be within its district, if such an arrangement was found expedient and could be made on satisfactory terms.

4. When the Colony's estimates for 1931 were under review in Select Committee of Legislative Council, discussion took place as to the measure of relief that had been experienced by the Executive Staff of the Public Works Department on the introduction of local government in District Council areas. The Director of Public Works pointed out that during the past two years much additional work had been caused by the necessity for surveying alignments of new roads, particularly in connection with the expenditure of loan monies and the construction of feeder roads in the Colony. At the same time he stated that the loan funds appropriated for this purpose were practically exhausted and that, in view of the prospect of less work of this kind being undertaken in future, he had in mind the possibility of introducing a measure of reorganisation under which, in so far as the Nakuru division was concerned, it might be possible to enter into an agreement to be entered into with the local authority for the maintenance of main roads in that area, and of controlling the other activities of the Public Works Department in the Nakuru area from Nairobi.

The Select Committee considered that proposals on these lines might be worked out with advantage, because it was evident that there was a danger of overlapping in both the Government and the local authority maintained a road staff in the same area, and it believed that a comparatively small addition to the staff of the local authority would enable all road work in the District Council area to be undertaken by the local authority itself, with a consequent reduction in aggregate overhead costs. For similar reasons circumstances might arise in which economy and efficiency could be achieved by the staff of the Public Works Department accepting liability for the work of maintaining roads in certain District Council areas, or part of them, as a condition for the local authority.

5. In May, 1931 a question was asked in Legislative Council :- "Will Government favourably consider handing over main trunk roads to District Councils on contract?" to which the reply was given :- "Then concrete proposals are put up by a District Council the feasibility of this course will, in the first instance, be referred to the Central Roads and Traffic Board for advice". While the Select Committee in Legislative Council on the Colony's Estimates for 1932 was in session, definite proposals in this regard were received from the Gashiki Bisha and Trans Nzoia District Councils in which it was urged that the maintenance of roads would be effected in the main trunk roads in these districts and maintained by the two District Councils. These proposals were referred to a sub-committee of the Select Committee, which reported that the net economy that would stand-point of the Colony's Department, estimated would be negligible on the face of things, and in the District Councils where it was assumed that the savings anticipated in the overhead charges of these Councils would be available for expenditure on district roads. It was also made clear that from the view point of economy it was not desirable to envisage the handing over, not only of the main trunk roads, but also of all other work on roads, to District Councils. The Public Works Department in the division a road. The Select Committee agreed that, even if the District Councils took over all road work in the present well works Department in the Nakuru Division, appreciable savings would not be effected in the combined overhead charges of the Public Works Department and the Councils concerned; and that Councils and also the Nakuru District Council were invited to render proposals.

which not only road work, but also all the other local activities of the Public Works Department might be taken over by them in such a way as to show economy without sacrificing efficiency. Such schemes were submitted but there was not time for the further close examination which the subject demanded, and in February this year we were appointed by Your Excellency with the following terms of reference :-

To enquire into and to report whether the present activities of the Public Works Department in the Eldoret and the Old Nakuru divisions can be efficiently carried out at a less cost than at present, whether by utilising the services of the Local Government Authority in these areas, or by other means.

By the following addition was made to our terms of reference :-

and also whether the present activities of the Public Works Department in connection with the main trunk Nairobi-Kisumu Road could be efficiently carried out at a less cost than at present by utilizing the services of the Nyanza District Council in respect of that portion of this road which traverses the area of that Council.

EVIDENCE RECEIVED.

6. With a view to elucidating the present position we have taken evidence from the Director of Public Works, the Road Engineer and the Executive Engineer of the old Nakuru and the Eldoret and Nyanza Divisions of the Public Works Department, and also from representatives of the District Councils of Nakuru, Uasin Gishu, Trans Nzoia and Nyanza. We received in reply to a questionnaire a memorandum from the Director of Public Works, and we also had before us a memorandum by the Road Engineer; a record of an interview which Mr. Jones of the Public Works Department had in London with the Secretary to the London Traffic Control Committee and the Deputy Chief Engineer to the Ministry of Transport; memoranda from the four District Councils concerned; and copies of letters addressed in October, 1931 by the Colonial Secretary to the Nakuru, Uasin Gishu and Trans Nzoia District Councils on which were recorded the anticipated expenditure in Public Works services other than roads.

NATURE OF SCHEME RECOMMENDED.

7. The scheme which we propose contemplates the transfer, subject to certain safeguards and to inspection of works, of the main trunk roads, and the other public roads within the area of these Councils not at present classified as district roads, in the old Nakuru and Eldoret divisions to the Nakuru, Uasin Gishu and Trans Nzoia District Councils, a transfer of certain accounting works from the local Public Works Department to the District Councils and the carrying out of the remainder of Public Works Department activities by a reduced staff. We consider that this scheme should result in a saving to Government of about £2,200 per annum without loss of efficiency. The paragraphs which follow set out the grounds on which the recommendation is based and the qualifications to which it is subject.

PLAIN PUBLIC WORKS DEPARTMENT EXPENDITURE AND OVERHEAD CHARGES.

8. We understand that the expenditure now proposed in 1932 on (a) roads and (b) other services in these two divisions is as follows :-

	Old Nakuru Division.	Oldoret Division.
(a) Roads.	£ 5,535	£ 11,005
(b) Other services.	9,275	8,500
	<u>£ 14,810</u>	<u>£ 19,505</u>

details of these figures are given in the Appendix to the Report.

9. The staff retained locally in the Public Works Department to deal with these services costs in statements:

Old Nakuru Division	27,460 per annum.
Oldoret Division.	27,500 per annum.

Details are shown in the Appendix.

We have endeavoured to arrive at a correct basis for comparing the relative overhead expenses of the Public Works Department and the District Councils concerned. We asked the Director of Public Works to inform us in regard to main trunk roads what was (a) the allocation of tools and small plant, (b) the allocations of heavy plant and its cost and particulars of the annual depreciation charges, (c) the local overhead expenses and (d) the Head Office overheads. We also asked for statistics showing the cost per mile or other unit of road of the various classes of roads under the headings labour, plant, material and overhead charges (a) local, and (b) Head Office.

The Director of Public Works replied that with heavy nor small plant is allocated out to any particular service; that operating charges, including repairs, are debited to the vote for the relative service on which the plant is used; direct charges for reconditioning are debited to Head Office, Item 5; that depreciation is not assessed and replacements are budgetted for as required; that overhead charges cannot be evaluated as an average over all Public Works Services, and that such charges work out at 17.3% of direct expenditure on Works, (10% in respect of Divisional charges and 7.3% in respect of Head Office charges). (Statements showing how this percentage is arrived at are included in the Appendix).

10. We agree with the Director of Public Works that, taking into account the general system of government accounting, it is impossible to ascertain the cost of individual services performed by his Department, and that the basis used by him for calculating overhead costs is in all the circumstances the only practicable one.

We have considered this matter very carefully and have reached the conclusion that it is impossible to arrive at any accurate comparison of the overhead costs in respect of road work performed by the Public Works Department and District Councils. From the figures shown in paragraphs 9 and 10 it appears that the total expenditure of the Public Works Department on roads and other services in the Old Nakuru and Oldoret Divisions is estimated to be £45,580 in 1932. The staff employed to deal with this sum will cost £11,190.

These two sums total £45,580, that is to say the percentage of the cost of the divisional staff to the total sum to be expended amounts to 24.5%.

The total revenues of the Nakuru, Uasin Gishu and Trans-Nzoia District Councils for 1932 are estimated at £20,966. The provision made for staff for dealing with the expenditure of these total revenues in 1932 is £5,335, or 25.2% of the total sum to be expended.

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MEMORANDUM BY ROADS ENGINEER.

11. The memorandum presented to us by the Roads Engineer argued that, in the light of experience in other countries, it would be wrong in principle for any change to be made in this Colony from the present system of direct control of main trunk roads by the Central Government through the Public Works Department. This contention was based on the following grounds:-

- (a) The disadvantages of what may be termed "local hourly pressure";
- (b) That main trunk roads are of national or inter-national importance and that, if left to local councils they will be ill-maintained through lack of interest;
- (c) That the staff employed by local authorities is insufficiently qualified;
- (d) That central control connotes a central staff working as a team and gives better results than divided staffs.

A copy of the memorandum is attached to the report together with a statement in which the points raised in the memorandum are discussed. In the event of publication of the memorandum with the report we would consider it desirable that the statement regarding it should be simultaneously published.

For the reasons there stated, we are unable, after the fullest consideration, to accept the contentions.

EFFICIENCY.

12. In regard to efficiency the essential factor in successful road maintenance is supervision. In so far as senior staff is concerned, we were told by the Executive Engineer, Eldoret, that only 85 of his office correspondence related to Roads. When asked if we were to take that to mean that 85 only of his time was spent on road work, he stated that the correspondence figure must be an indication. The Executive Engineer of the present Nairobi Division stated that, with regard to the 25 proportion of the time of himself and his assistant allocated to the old Nakuru Division, he and his assistant visit Nakuru once a month for a period of 3 days, during which road inspections are carried out. The Overseer at Nakuru spent about one-third of his time on road inspections. There was the necessity of having qualified staff was impressed upon us. Executive Engineers were at pains to point out how relatively little time they spent on the road works in their divisions as compared with their other activities. We understand that before the establishment of District Councils in 1929 practically the only work performed by Executive Engineers in respect of maintenance of District roads in European areas was the letting of contracts, attendance at Road Board meetings and the passing of payment vouchers.

13. We traversed a considerable mileage of District Council roads in the Eldoret Division and were very favourably impressed with their condition - especially those of us who had knowledge of these roads three or four years ago. These roads are not, of course, main trunk roads, but it should not be overlooked that the more important of them are the produce-carrying feeder roads and that the money available for them is considerably less than that

allocated to the main trunk roads, while there is no intrinsic difference for maintenance purposes between a main trunk road and a feeder road constructed, as many of them are, to a high curram standard.

14. Our views on this question are that District Councils would have to be required to employ officers who are capable of doing the work; these appointments, which are now subject to approval of the Standing Committee, might well be made referable on this point to the Central Roads and Traffic Board, which should take into account practical experience and the nature of the engineering work which may require to be done in an area as well as academic qualifications.

/whose appointment we recommend below,

15. In contrast, then, to the time spent on roads by Public Works Department divisional staff, the District Councils propose that three senior staff would be solely employed by them in road supervision work, and each of these three would frequently travel the whole mileage of main trunk roads in his district. In addition, the inspecting engineer of the Public Works Department would make periodical inspections. The same plant and subordinate staff, less one foreman, would be available. It therefore seems reasonable to us to suppose that the amount of supervision will be very materially increased, and that there will be no loss of efficiency in comparison with the present system.

TURKANA ROAD.

16. The section of the main trunk road northwards to Turkana and the Abyssinian frontier from the north west boundary of the Trans Nzoia District Council, constitutes in our opinion a special case. This road is used purely for military and administrative purposes. It stretches for a distance of 282 miles and, though it traverses in parts very difficult country, the allocation of funds for its maintenance - £6 per mile - is on a very much smaller scale than that made to any other part of the main trunk system with which we are dealing.

The Trans Nzoia District Council recognised the difficulties attaching to this section and, in order to meet the view that under their control it might be feared that it would not command adequate attention, proposed that a special Road Area Committee consisting of the Provincial Commissioner, Turkana or his nominee, the Officer i/c King's African Rifles Transport, Kitale, the Officer Commanding Kenya Defence Force, Trans Nzoia, and a member of the Council for the North Eastern Ward, should be formed to advise in regard to the upkeep of this section.

We took the views of the Provincial Commissioner, Turkana and the Officer Commanding, Northern Brigade, and agree with them that this road should remain under the direct control of the Central Government in view of its particular characteristics. We were informed that for the great proportion of its length this road is nothing more than a track, but that at two escape-ments difficulties may easily arise which would require skilled engineering treatment and landslips involving emergency measures must be contemplated. After discussion with these officers we are of the opinion that the inspecting officer of the Public Works Department, whose appointment we propose, should assume control of this road; and are satisfied that adequate arrangements of details can be made on the lines of our



proposals.

NYANZA DISTRICT COUNCIL.

17. As regards our supplementary term of reference, we met representatives of the Nyanza District Council at Londiani and also the Executive Engineer of the Kisumu Division of the Public Works Department. The Provincial Commissioner, Nyanza, was co-opted to our Committee for this part of our enquiry.

The Nyanza District Council laid before us a plan showing that in its district the main trunk road is as the backbone and the district roads as the ribs. Perhaps more than elsewhere the main trunk road has to be traversed by the Council's Clerk Supervisor in order to get on to district roads. Similarly, however, the Executive Engineer must traverse it in order to reach roads in the Kericho district which are under his control. The economy which might be effected would scarcely exceed the time spent in supervision by the Executive Engineer which was, he informed us, approximately 1/10th; and this would be counteracted to some extent by the necessity for retaining staff to deal with other Public Works Department activities along the route. We doubt whether appreciable economy would be effected so long as other roads in the Kericho district are controlled by the Public Works Department, and we note the expressed reluctance of this Council to accept any contingent responsibility or financial liability as road authority.

OTHER ACTIVITIES OF THE PUBLIC WORKS DEPARTMENT.

18. The taking over by District Councils of activities of the Public Works Department other than the main trunk roads was envisaged because it appeared that, if it was still necessary to retain the same Public Works Department organization, apart from Road Foremen, to deal with these other activities, there would be, if any, savings derived from handing over main trunk roads only.

As we conceive the matter the control of communications is a legitimate local government activity and the general field of legitimate local government functions is well defined. Nowhere, so far as we are aware, are those proper functions of the State or Central Government, which cannot be delegated to local authorities, in practice exercised by local authorities. The reason is not far to seek. On the one hand it is not worth the wait of a local authority to bother with work which is not inside their proper sphere; and on the other hand the officers of the State who are responsible for the performance of certain duties must find it impracticable to accept certificated from the officers of local authorities in respect of important work without such a degree of inspection as would eliminate any economy in the use of such officers.

The view expressed to us in this connection by the local authorities concerned is briefly that they think their staff could perform these duties if suitably adjusted, they are quite prepared to take on the duties but they would much prefer not to go outside the normal scope of their functions if other suitable arrangements can be made. We agree that it would be preferable to seek a solution of this part of the problem along these lines.

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## REVUE AND HOUSE ALLOWANCES.

Our information is that the claims for payment are prepared by the officer or department concerned, certified by the local Housing Committee and District Commissioner as being in order and then passed to the Divisional Clerk at Eldoret and Nairobi for actual payment. The control of this vote was transferred a year or so ago from the Treasurer to the Director of Public Works. Whether or not the vote should be returned to the control of the Treasurer, there appears to be no reason why local payments should not be made by the District Commissioners. The District Commissioners at Eldoret and Kitale agreed that this could be done without any staff embarrassment; we did not specifically question the District Commissioner, Nakuru, on this point, but as in Nakuru the payments are much smaller, it seems unlikely that they could not be made there also by the District Commissioner.

### ELDOROT WATER SUPPLY.

It is understood that this service is being handed over to the Eldoret Municipal Board.

### LOCAL NATIVE COUNCILS.

We were informed that requests for works from the local Native Councils all over the country probably be negligible and, so far as works are concerned, they frequently obtain these through the Nairobi at present, and there seems no reason why they should not do so as a general rule.

### KITALE WATER SUPPLY.

A Kitala Water Supply Bill would be an asset of the Kipsigis Councils as such as a township account is essential to be met for this Grant "A" township; and the Councils will be collected by that authority.

### LOAN WORKS.

It is understood that the loan buildings at Nakuru are nearing completion. There is the Eldoret Division have not yet been commenced, and there appears to be some uncertainty of these being commenced for a year or two.

### PUBLIC WORKS EKRAKORIAN.

The drainage scheme at Kitale will shortly be completed and there appears to be little reason to suppose that any funds will be available for public works extraordinary in the near future.

### MINOR AND PETTY WORKS.

The Executive Engineer informed us that no such works had been approved as yet for this year.

### INVESTIGATION OF NEW WORKS.

At the present time it seems clear that such investigations must be reduced automatically to a minimum.



The proposed division would be in charge of an engineer whose duties would be to control the Government activities listed above, be an inspecting officer in respect of main trunk roads, and control the Turkana section of the main trunk road to the Sudan and Abyssinia. This officer would, in our opinion, require as assistants one overseer, and two clerks, and should be granted a liberal allowance for local travelling. There is at present only one overseer in the old Nakuru Division and we were informed by the Executive Engineer that one half of his time is spent on the main trunk road work. It appears to us therefore that, if one half of his time is at present sufficient for the conduct of all the other Public Works Department activities within his sphere in this Division, the other half could be suitably diverted to similar works in the Eldoret Division. In the future, if expenditure from Loan or Revenue on special works becomes possible, the Executive Engineer would be empowered by a letter of works or tender to oversee

our conclusion thus far to this point is that, subject to stated conditions, the activities of the Public Works Department in respect of roads in the old Nakuru and old Nanyuki divisions could be carried out by the District Councils with no less efficiency than at present, and that the other activities of the Public Works Department in these divisions could be carried out by the District Councils with no less efficiency than at present.

It would remain to be considered whether the proposed arrangement with the plan proposed in the report of the Director of Public Works in regard to the Nakuru Division, and the reference made above to paragraph 10 of the report, could be

Divisional Councils

20. As a subsidiary recommendation, it is suggested that the Nanyuki Division of the Public Works Department should be extended to include all the gazetted main trunk roads from the western boundary of the Nanyuki District Council area through Frederick's Pass towards Nakuru, and that this divisional boundary should also be shifted back a short distance from the gazetted main trunk road to the summit.

ELIMINATION OF DUPLICATIONS BETWEEN A.C.C. & D.C.

21. Turning then to the point of duplication, the following statement sets out the cost of the present organization, and our proposals for the new organization, and the effective savings resultant from our scheme, viz. as follows:

Present P.W.D. Organization:	P.W.D.	Proposed Organization:		Savings
		TURKANA DISTRICT COUNCIL	ELDORET DISTRICT COUNCIL	
Engineers	2001	1001	1000	1000
Overseers	1402	600	100	100
Accountants	1141			
Clerks	980			
Stenographers	351	400	200	200
Surveyors	3101			
Foreman (Turkana)	600	600	200	200
Office (over)				
Material supply	100	100		
Material (over)	200	600		
Material (under)	200			

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Present P. I. D. Organization.

Proposed Organization

	P. I. D.	P. I. D.			Trans. D.C.
		Nakuru D.C.	Basin Gishu D.C.	Trans. D.C.	
B/Fd.	1190	1310	1200	1200	600
Local Travelling		600	150	250	30
Nakuru					
Elkeret			100	100	100
Incidentals					
	1190	1490	1450	1550	730

We have reviewed the proposals submitted to the District Councils, and in the light of our review of the District Councils we find that over the past activities of the Councils have been directed by the Public Works Department, the Councils proposals require modification. It is also, I think, the case that these Councils could, by saving some savings to Government, to secure a saving in respect of their expenditure on road construction and to be able to transfer the amount of the saving to road works in their roads. I have, however, no doubt that the Councils are satisfied with the way they are working and the additional expenditure, however small, which they are making, and the fact that they are working with the view of the time to be spent on their roads and their expenditure. It is not necessary for them to make additional expenditure in securing a saving in their expenditure, and we made an allowance for this in our proposals. The additional expenditure which we have provided for in our proposals will be required by them to be made in the future, and, in our view, the total of our expenditure on the three District Councils will be 1,450 units per year. It is, of course, possible that some of the Councils might be able to save with the same expenditure, but we do not think that we have to be contemplated during the next few years would make a saving (including the additional expenditure) that is to say a total expenditure of 1,450 units per year with a present expenditure on the same basis of 1,450 units of 1,450 units. A saving of 1,450 units per year, if it were being with these two divisions, would not be possible for the Director of Public Works to effect the savings shown above, since in the case of the two divisions, the present expenditure of 1,450 units per year, and, unless it is possible to effect a saving of 1,450 units, the savings cannot be actually achieved. It is, of course, possible to apply to a man of 1,450 units per year, but the fact is that, therefore, and in respect of the total under consideration, the saving of 1,450 units should be reduced to 1,450 units. (It would be possible to effect the savings of 1,450 units, but further savings if and when the National District Council take over main trunk roads in their area.)

(4) In case our proposals are approved, we have made allowance for an amount of 1,450 units.

RESPONSIBILITY TO BE ASSUMED BY COUNCILS.

22. We have considered whether District Councils might assume the position of contractors or agents to Government for the maintenance of main trunk roads. As regards a contract basis there is some difficulty in reducing road maintenance works to contract form, and inasmuch as a contract system connotes calling for tenders, and an insecurity of issue we consider that the position of contractors would be unsuitable for District Councils.

The relationship between Government departments, between Local Authorities themselves, or between Government and a Local Government, in cases where the duties and functions of each are not set out in a statute, should be largely fiduciary and wherein one authority acts as the agent of the other and the legal documents which are necessary in a contract between individuals are not required. This is a not infrequent relationship elsewhere, and has been suggested to us in the present connection.

But such a relationship in Kenya would not change the existing position in regard to liability of responsibility of road authority. The Central Government would remain liable for equitable damages in cases where fault against the Government was proved, it would retain sole financial responsibility, and it would lose sole executive control. In other parts of the world where a Local District Council acts as agent of a County Council, the agency contract is also a contributor to the cost of the works. But at the present time in Kenya unless the Central Government declines to do so, it is an advantage in abandoning executive control, why should it be an advantage? It, however, some advantages may be assured, there is good reason to decline to entertain a change.

financial

The views we have formed on this question are given in the question of responsibility.

23. We recommend that the main trunk roads of Kenya, Nakuru, Uasin Gishu and Trans-Victoria should become the Road Authority over the main-trunk roads and other roads should not be classified as district roads in their respective areas of jurisdiction on condition that the Government assume financial responsibility for the maintenance of these roads.

/the principle of

We do not feel that it is within our province to make definite proposals as to the nature of financial responsibility to be assumed but we recommend that this matter should be made the subject of a comprehensive examination. We do not think that the full measure of such responsibility should be transferred forthwith but rather that Government should ease the transfer by means of special grants distinguished in prescribed proportions over a prescribed number of years.

We are also of the opinion that a system of assigned revenues should be examined in order that revenues received from road users should be available for road purposes by the road authorities and that District Councils should be empowered, as Municipal Councils are empowered, to levy a district tax on motor vehicles belonging to persons resident in their areas and habitually kept in their areas. Special grants will be the subject of special grants in accordance with the limits of each case.

Such an examination would have to take into account the present basis of the basic grant to District Councils for the district roads which has already been represented by one District Council to be an unfair method of distributing Government grants.

It would also have to take into account the propriety of any further changes remaining along with the system of local government and its proper responsibilities.

24. The Estimates of District Councils require approval by the Standing Committee and by the Governor in Council, and we would propose that, when Estimates in respect of main trunk roads do not satisfy the Inspecting Officer, a detailed explanation of the reasons for their proposals should be submitted by Councils to the Central Roads and Traffic Board, and that the Governor in Council, on the Board's advice and after suitable enquiry, should be empowered to amend Councils Estimates and require the Councils, if necessary by transferring grants in respect of other roads, to maintain the main trunk road up to the approved standard. In the case of any particularly expensive work required, such as the repair of a major bridge or the improvement of a section which, by reason of its soil or climatic or other conditions, involves abnormal expense, it might be necessary for Government to make a special grant or to assist a Council to meet its share by means of a loan or advance.

We recommend that, if the changes we have proposed are accepted, they should not be made until provision has been made regard to them are incorporated in a scheme of financial relations between Government (District Councils) and the Local Government (District Councils) which, in the course, with concrete arrangements regarding the financial relationship between District Councils and the Central Government; the transition being facilitated by special diminishing grants as was done in the case of health expenditure in Nairobi and certain other districts.

25. We appreciate that the proposal for transfer of the main trunk roads came in the first instance from District Councils and we have stated our view that such a transfer could be carried out with economy and no loss of efficiency, but that it should be made only if the Councils themselves accept the principle of financial responsibility for all of the cost on a rational basis. It may be noted that this in itself renders the proposals largely inoperative as any early application of them is concerned with the fact, however, that we should advise as to what, in our view, is the correct basis of any such transfer.

The acceptance of our proposals must rest with the Councils themselves, if and when they are given the opportunity of considering the scheme now recommended, if they reject the terms, the transfer proposal drops.

Such information as we have does not, however, indicate that the proposition of local rating is not in sight. We understand that the Trans-Kisumu Council recently resolved unanimously in favour of a rate of 4 cents per acre. On the other hand, the opinion has been expressed that in the present difficult times local rating cannot be contemplated. We have not pursued enquiries on this point.

ADMINISTRATIVE REFORMS.

26. Since the Committee was appointed, the Report of Lord Moyne has been issued, in which it suggests that the possibility of abolishing District Councils should be examined by the Economy Committee, to see whether a return to the previous system of Road Boards would not be productive of economy without sacrificing efficiency. As such an investigation has an obviously close connection with the subject of our enquiry, we trust that we may be permitted to make a few general observations on this point, without being held to have strayed unduly outside our terms of reference.

27. The position, a return to which is to be considered, is described in the report of the Local Government Commission 1937 as follows :-







assistance in the offices of the respective District Commissioners who would have to maintain the records and correspondence of the District Committees and Road Boards and the balance of savings, by being in fact transferred to contractors, would come out of the money used for works on roads and would therefore reduce the amount available for works.

Economy therefore in its true sense would not be achieved as efficiency must undoubtedly be seriously reduced. The amount of the paper savings should not exceed the difference between the allowances made to Councils in 1929 and the savings to be made by the Public Works Department, viz - Rs. 1,100.

to  
20. To consider the pre-1929 basis of District Councils and Road Boards raises, of course, a political issue which is of considerable importance. In the Fulton-Jones Commission Report great stress was laid on the importance of devolving local government institutions and, while it is true that during their 3 1/2 years (not 5 as Lord Mayo's statement says) Councils have not yet imposed local taxation, they have to a great extent failed to fulfil completely the functions which are prescribed in the Ordinance as being within their scope. Their abolition will destroy the machinery for such local help and will prevent any area from contributing to the State roads by means of locally raised revenues. The Government of Central Government a part of its present financial policy.

CONCLUSIONS

21. The Government has proposed to transfer to Councils the responsibility for the maintenance of the main trunk roads in their areas, provided that there is no sufficient reason in principle against the transfer to the Dakara, Asin-Bishi, and Trans-Bahi District Councils of the main trunk roads in their areas, provided that:-

- (a) the Councils are prepared to accept the legal Authority for these roads and accept financial responsibility as a condition of a basis to be agreed;
- (b) the Councils shall employ as their chief executive officer a person approved by Government;
- (c) their work on these roads is inspected periodically and the payment of Government grants being contingent on the results of such inspection;
- (d) Government, in approving Councils' estimates, may require an increase, if necessary, in the amount provided for main trunk roads and in the event of such resort may transfer grants from districts to main trunk roads to secure such increase;
- (e) Government retains the right to stop or suspend the transfer of work to any Council if it is not satisfied as to any aspect of its efficiency and requires work to be done to its satisfaction at the Council's expense (on the lines of the safeguard provided in Section 108 of the Local Government (Municipalities) Ordinance, 1924).

With these safeguards we do not consider that efficiency would be impaired.

We consider that, freed from the direct executive control of main trunk and other public roads in the areas of these Councils' jurisdiction, the Public Works Department should be able to carry out the executive control of proper central Government functions with a reduction in staff and that an effective saving of Rs. 200 per annum could be made.

52. At Kitale and Londiani the Committee heard the views of the Provincial Commissioners, Turkana and Nyanza respectively, who agree with our recommendations so far as concerns their Provinces. The Provincial Commissioner, Nzola, who was unable to attend the meeting of the Committee at Eldoret, submits a minority report.

At Nakuru the then Provincial Commissioner, Rift Valley (Mr. H. M. Welby) expressed himself as agreeing generally with the proposal to hand over main trunk roads to District Councils. The present Provincial Commissioner, Rift Valley has signed the Report.

We have the honour to be,

Sir,

Your Excellency's obedient servants,

W. D. LOGAN.

Ag. Commissioner for Local Government,  
Lands and Settlement. (CHAIRMAN)

C. O. GILBERT.  
Surveyor General. (MEMBER)

CONWAY HARVEY. (MEMBER)

C. H. ADAMS.  
Provincial Commissioner,  
Rift Valley. (MEMBER)

A. BRAGG.  
Deputy Auditor. (MEMBER)  
Subject to reservation below.

A. GRAHAM. (MEMBER)

E. H. WRIGHT.  
Subject to reservation below. (MEMBER)

RESERVATION BY THE DEPUTY AUDITOR.

(a) I do not agree that the skeleton staff outlined in paragraph 19 of the report will be sufficient to carry out efficiently the necessary road inspection on behalf of the Director of Public Works and the other activities of the Public Works Department in the present Nakuru and Eldoret Divisions. It follows, therefore, that, in my opinion, the apparent saving of £2,200 referred to in paragraph 21 of the report will not be effected. In fact, I consider that in view of the Public Works Department organisation already in existence, greater economy, without loss of efficiency, could be achieved by the Public Works Department taking over from District Councils all road work at present performed by them.

- (b) I consider that, under no circumstances, should any suggestion of handing over to District Councils main trunk and other roads, together with the funds for maintenance thereof, be given effect to until such time as a definite rating policy has been agreed upon and is in operation and the necessary amendments to the relative Ordinance have been made.

RESERVATION BY MR. L.H. WRIGHT.

While agreeing in all other respects, I must put on record my disagreement with the other members of this Committee in the matter of their finding that the imposition of local rating is the condition governing the transfer of main trunk roads in certain areas to the District Councils.

On the analysis of all the evidence submitted, this report shows that the transfer of certain main trunk roads to District Councils would effect a definite saving to Government of 22,200 without loss of efficiency. That in itself, I contend, justifies the transfer.

When the Feetham Commission foreshadowed the adoption in the future of the principle of local rating for roads and other public services, its findings pre-supposed the prosperity of the farmer and planter. That pre-supposition has been falsified by events.

I object to the references to local rating appearing in this report and to the recommendations made and conclusions reached by my colleagues on the grounds:

- (a) That, however, idealistic in principle and however successfully applied in older countries where land has reached a higher stage of development, local rating is quite impracticable in this young undeveloped Colony of Kenya, and
- (b) That the Committee has exceeded its terms of reference, to which, indeed their arguments supporting the principle of local rating are strangely supererogatory.

Finally, if it be decided that the adoption of local rating is the sine qua non governing the transfer of the roads in question, I favour no change being made at all.

MINORITY REPORT BY THE PROVINCIAL COMMISSIONER,  
NZOIA.

I regret that I have been unable to accept the view of my colleagues.

2. I agree with them that, since the Legislature in 1928 committed itself to the establishment of Local Government, it is logical to build up Local Authorities and give them responsibilities.

5. The picture presented by the Ordinance is that of a Local Authority raising its own revenue from rates and other sources, and receiving from Government a grant in respect of duties taken off the shoulders of the Central Government. We have as yet no such fully functioning Local Authority and I agree with my colleagues if I understand them aright, that the main trunk roads and other Public Works Department activities should not be handed over to Local Authorities till they do impose

rates.

4. I cannot, however, agree with their recommendation that the Local Authorities should be allowed to impose rates if they want to. Such rates can only fall on the farming community, and the farming community cannot pay more taxation as yet. Any further taxation can only come out of the present taxable capacity of the Colony, and will reduce the general revenue in customs or by exemption from rents, or will increase the general expenditure, e.g., by throwing more children onto the free education list.

5. It follows that I do not agree that any transfer of the Public Works Department activities should be made to Local Authorities during the present depression, and I support Lord Moyne's suggestion that a possible economy may be found in the opposite direction.

6. The above paragraphs embody my conclusions.

The following explanatory comments relate to lines of argument which have been used.

7. I can see no justification for the claim that the District Councils are either more efficient or more economical than the Public Works Department because :-

(a) They have not been running long enough or performing a sufficiently wide range of duties to enable a fair comparison to be made.

(b) An improvement in district roads does not mean that heavier grades of roads can be undertaken. It is the experience in England that as traffic gets heavier, the road gets more expensive, and the unit of population which pay for it tends to get wider till the big concrete roads are supervised and paid for by the Ministry of Transport.

This is the obvious evolution of main roads.

(c) I do not accept the figure of £2,200 as a real saving. I doubt whether repairs to plant will be done by local garages as cheaply as in a yard, I am not sure that plant and staff which is not interchangeable is as economical as a central loss. I anticipate some immediate and quite unjustifiable loss in discharging Public Works Department Staff to take on men under District Councils. I am not convinced that enough provision has been made for better qualified staff and its travelling over a larger area.

8. For the above reasons I feel that any transfer must be treated as an experiment which may cost money. In times of depression we cannot afford such experiments.

O.F. WATKINS,  
Provincial Commissioner,  
Nzola.

1. Details of estimated Public Works Department Expenditure in 1932 in the Old Nauru and Gilbert divisions on roads and other services.

ROADS.	OLD NAURU DIVISION.		GILBERT DIVISION.	
	Miles.	Expenditure.	Miles.	Expenditure.
(a) Main Trunk Roads including bridge repairs.	147	4175(a)	175	5015 (c)
(b) Roads in Native Reserves.		650(b)		535(b)
(c) Misc. bridge repairs.		200(a)		330(c)
(d) Other roads.		1,510(b)	147	3725(a)
(e) Spruans Main Road.		-		1255(c)
(f) Little Township Roads.		-		505(a)
		6535		11035

(a) Roads mostly expended under direct control of Executive Engineer.

(b) Roads mostly expended under direct control of District Commissioners.

(c) Roads under direct control of Executive Engineer.

OTHER SERVICES.	OLD NAURU DIVISION.	GILBERT DIVISION.
(a) Maintenance and repair of Public Buildings.	1100	1100
(b) Repairs on Public Works.	300	300
(c) Meteorological Survey and Weather Control.	500	500
(d) Grants and Bounts Allowance.	2000	2000
(e) Investigations for new works.	50	50
(f) Fuel and Plant.	500	500
(g) Contingent.	135	135
(h) Grants and Bounts for Public and Native Societies Funds.	100	100
(i) Other works.	135	135
(j) Loan Allowance.	-	(-)
(k) Total.	6020	6020

(c) \$2000 for Eohn buildings is not included as we understand this will not be spent in 1932.

2. Statements of staff retained in the Old Makuru and Alderot divisions.

OLD MAKURU DIVISION.

1	Executive Engineer	time - total cost	500
1	Asst. "	" " "	607
3	3rd grade clerks	" " "	114
1	Divisional Accountant	" " "	183
1	Overseer	whole time	637
3	Staff foreman	" " "	971
2	Terry.	" " "	307
1	Asst. timekeeper	" " "	51
1	Tools & Plant clerk, part time	" " "	58
1	Sub-foreman Gilgil Water Supply.	" " "	10

3446

(Note: In travelling it was estimated by the Executive Engineer in Victoria before that he and his assistant travelled 200 miles per month, and the Overseer 100 miles per month in this division - i.e. at an annual expenditure, apart from travelling allowances which are at present negligible at the rate of 50 cents per mile, of \$2000.)

ALDEROT DIVISION.

1	Executive Engineer	1401	} :- General Administration.
1	Ag. Overseer	607	
1	Clerk	500	} :- Accounts.
1	Divisional Accountant	183	
1	3rd grade clerk	114	} :- Stores.
1	Divisional storekeeper	646	
1	3rd grade clerk	114	} :- Roads.
1	African clerk	67	
5	Staff foreman	1401	} :-
1	Surveyor	500	
2	Foreman (masons)	600	} :-
1	Inspector	701	
1	3rd grade clerk	114	} :- Alderot Water Supply.
1	Sub-foreman	10	
1	Inspector	607	} :- Alderot Water Supply.
1	3rd grade clerk	114	
1	Sub-foreman	10	} :-
1	Inspector	607	
1	3rd grade clerk	114	} :-
1	Sub-foreman	10	

37742

5. Basis of estimating Public Works Department overhead charges.

The following statement is taken from the reply furnished by the Director of Public Works to our enquiry :-

"Neither Head Office nor Divisional Administration Charges can be specifically calculated for any particular Public Service nor part of one except on a proportionate basis, for the Department is not divided into self-contained compartments each dealing with a particular service. Nor are Executive Divisions entirely separate entities. Head Office and Divisions co-operate and, though relative responsibilities are defined, the administrative functions are interdependent and one cannot be divorced from the other.

In an organization such as the Public Works Department, carrying out a number of Public Works Services of varied character combined under one system of control, partly Divisional and partly Divisional, the administrative charges can only be evaluated as an average over all such services. The average estimated administration charge for this year is 17.5% as shown on the Annexure marked "C". Stores and one-eighth of the Accounts, Foremen and similar employees are regarded as indirect charges appertaining to the Public Works services administered, and such indirect charges are estimated amount this year to 16.0% added to the direct charges. Of the 17.5% administration charges 10% is the average charge incurred in Divisions and 7.5% at Head Office. The specific divisional administration charges pertaining to Alderot may be taken as approximately 15.0%, and to Nakuru, 15.4%.

We attach copies of the statements submitted to us by him showing how these percentages are calculated.

As regards the statistical information asked for, the Director of Public Works stated that statistics are not analysed and collected under these particular headings as they would not be of use in this form departmentally. He offered to have an analysis made for a particular year at the expense of clerical time if required.

There are obvious points for criticism when an average overhead cost arrived at in this way is applied to any individual activity - for instance, the administration of Bents and House Allowances, which appears as a "work" involving mainly accounting activities. It is to be noted that in the Divisions the preparation of the vouchers is done by the Administration and the vouchers duly certified are merely passed to the Public Works Department for payment. The number of these vouchers is large (15,400), and in numerous cases queries arise, but it is difficult to credit that the cost of Public Works Department administration of this "work" is correctly reflected at K2,750, i.e. 17.5% of 15,700. On the other hand it may be assumed that other works are performed at an overhead charge of less than 17.5%.



4. RATIO OF THE COST OF ADMINISTRATION STAFF TO DIRECT AND INDIRECT CHARGES ON PUBLIC WORKS SERVICES.

Administration Charges.

	£	£	£	Remarks.
Revenue Personal Expenditures.		63,847		
Less: Personnel seconded to Govt.	2,100			
Savings reported on 7.1.32.	577	2,837	60,010	
Add Other Charges			15,879	
Add Other Overheads (Renting Furniture and Pension Commitments)			10,415	
Public Works Recurrent tools and Small Plant.			5,000	
			39,304	
Less: the following:-				
Shop Accounts Staff.	9,855	1,198		Estimated as appurtenant to Stores Accounts.
Stores Staff.		5,876		
<u>Indirect Charges.</u>				
Item 40 Foremen.		10,858		
41 Watchkeeper		390		
42 Leading Motor Mechanic		408		
43 Temporary Works Staff.		3,740		
44 S Motor Mechanic.		1,014		
45 Sub-Foreman.		1,440		
46 Pension Interior Establishment employed at works.		800		
Less: those portions of other charges appurtenant to Stores Staff and Works.				
Passages.	5,500			
Travelling Allowances	300			
Local Transport and Travelling.	3,900			
Carriage Rates.	6,000	35,904	19,864	

	- 52-	£	£	Remarks.
Brought Forward.	6,390	35,904	39,304.	
Stores Contingencies.	150			
Conservancy & Water Rates.	400			
Contingencies.	160			
Uniforms.	90			
Insurance Motor Vehicles	334			
Public Works Recurrent Tools & Small Plant.	<u>5,000</u>	12,304		
Reduce Other Overheads appertenant to Works.				
2 Accounts Staff.	328			
Stores Staff.	1,223			
Items 40 to 44, 46 & 49.	<u>277</u>	1,328	40,636	
			<u>£ 40,768</u>	

#### Direct Charges.

Public Works Services administered  
by the Public Works Department either  
direct from Head Office or through  
Respective Engineers.

Abassa Water Supply.	8,014
Kisumu Water Supply.	2,045
Malindi Water Supply.	1,647
Mombasa Water Supply	531
Nakurus Water Supply.	375
Nairobi Water Supply	260
Ngari Water Supply	240
Nyale Water Supply	1,393
Uasin Gishu Water Supply.	168
Wajir Water Supply	403
Wundanyi Water Supply	340
Government Transport	5,931
Administration and Maintenance of the Law.	1,240
Water Loring Branch	9,077
Technical Training of Africans.	1,177
Carried Forward.	32,583

			Remarks.
Brought Forward.	32,305		
Central Workshops & Rubber Seasoning.	<u>5,305</u>		
Less savings reported on 27.1.33	35,733		
	<u>1,110</u>	54,658	
Public Works Recurrent	145,500		
Leakage Loss and Depreciation of Stores.	700		
Tools & Small Plant	<u>5,000</u>	<u>5,700</u>	
		139,300	
Less: savings reported on 27.1.33.	<u>1,900</u>	138,000	
Public Works Extraordinary Items 2 and 2a	2,500		
Items 4 to 10	<u>8,100</u>	10,000	
Renovals and Repairs Water Works.		27,000	
Local Native Councils and other Departments.		15,000	
Central Workshops (manufactured articles sold to works).		15,000	
Charges as above:		<u>40,000</u>	
		461,504	

Therefore total cost of administration  
 for 1933-34 for Public Works and CPWS services  
 Rs. 461,504 = 17.1.

Estimated Revenue savings by Public Works Department during 1933-34 not taken into account in estimates.  
 Net Ratio :- = 55,135.

3. Ratio of the cost of Administrative Staff, District Division, Public Works Department, 1933-34 :-

Estimated Expenditure on Administrative Staff		
Personal Allowance to the Engineer in Charge	4341	
Salary of the Engineer posted to District Division, Mysore	1173	
Other Charges	667	
Overheads.	505	
	<u>1787</u>	3009

Brought Forward

6950

Deduct the following, as appurtenant to works:-

5th Accounts Staff	77
Stores Staff	539
Ordinary	1770
Portion other charges appurtenant to Works.	218
Portion other overheads appurtenant to Works.	765

3121  
£ 5629

Indirect charges as above	3469
Wear, Tools and Plant.	300
Total Indirect Charges.	3769

estimated expenditure via direct Charges.

REVENUE

Secret	1157	
Tithe	1792	2950

EXPENDITURE

Maintenance of Works		
Repairs and Scaffolds	11085	
Maintenance & Minor Improvements Public Buildings.	100	
Rents & House Allowances in lieu of Rent	1045	
Salaries	100	13981

EXPENDITURE

Hotel Bills	1000	
Miscellaneous Paper Supplies	100	
Other Bills	300	1400

Grand Total, Expenditure, other Dept. etc.		1500
Indirect Charges.		3769

£ 26100

Therefore Ratio of Administrative Charges = 18.0%

Division of the cost of Administrative Staff, Public-works Division, Public-works Department.

Administrative

1741

665

Brought Forward

3332

Under the following appointments to works.

Foreman	1542	
Other charges	200	
Other overheads	<u>518</u>	2050
		<u>4322</u>

Personal Expenditures and other overheads, Overseer chargeable entirely to Makuru Division.

590  
4124

Total expenditure on work.	\$ 46162	
Proportion apportionment to Old Makuru Division	11675	25.7% = 1060

ADD Personal Expenditures etc. of Overseer chargeable entirely to Makuru Division  
Administrative charges apportionment to Makuru -

590  
1758

Indirect charges on all above	\$ 2050
W.C. works and Plant.	<u>250</u>
Total Indirect Charges.	<u>\$ 2310</u>

Estimated expenditure on Direct Charges. 2 2

Total Supplies, Oil, etc. 321

Relevant expenditure:		
Maintenance of improvements		
Roads and Bridges	5555	
Maintenance of minor improvements		
Public Buildings	700	
Tools & Tools Allowances	1377	
Furniture	100	7943

Discretionary expenditure:		
Installations Water Supplies.	50	
Land Grants.	<u>50</u>	100

Local Native Comets, (other Depts, etc.) 1200

Indirect charges. 2310

2 11675

The effect of administration Old Makuru Division is therefore

11675

The memorandum submitted by the Road Engineer records that the Central Authority maintains Trunk Roads in Victoria and the other States of the Commonwealth of Australia; that in America the tendency is to remove the control of all highways from the local authority or their officials to the State Highway Commission. In both cases it appears that the reason for this tendency is that the officers of the local authority are particularly subject to that form of neighbourly pressure that is so difficult for an elective official to resist, and is so inimical to the rational administration of a Highway Programme. Emphasis is laid on the point that it is not because of inefficiency on the part of the officers of the local authorities that this tendency to centralization has become manifest, but because local authorities suffer from "neighbourly pressure", (see pages 6-9). It is also stated in the memorandum, paragraph 8, that "in England, Canada, South Africa, (except in the Cape Province), and in every single Crown Colony the principle of Central Control, or a control higher than that of the Rural body is accepted.

2. In South Africa local government is an activity of the Provincial Administrations and, so far as we are aware, there is no Central Ministry of Transport responsible to the Union Government. In the Provinces of Transvaal, Natal and Orange Free State there is no rural local government administration. The system comprises urban local government only in stages from municipalities to village management or health committees, and consequently, we understand, the Provincial Administration is itself responsible for the maintenance of roads between the areas of jurisdiction of the various urban authorities. In the Cape Province, however, there are rural authorities styled Divisional Councils and it is the case that these councils maintain all roads in their area subject to grants from the Provincial Administration. There would, therefore, appear to be no conscious move towards central control as a general desirable principle.

3. In the United Kingdom the unit of local government has recently been increased in size and under the Local Government Act of 1929 the County Council has been made the authority for a large number of activities which had previously been performed by Urban and Rural District Councils, Boards of Guardians, and so on. The County Council has now superseded Rural District Councils as the road authority for all county roads, but under certain conditions it is obliged to delegate its functions to the Rural District Councils. In these circumstances the District Councils act as agents for the County Councils, the works to be executed and the expenditure to be incurred have to be approved by the County Councils which may make requirements as to the manner in which and the persons by whom they are to be carried out, and give general directions as to the terms of contracts for such purposes. The works must be completed to the satisfaction of the County Councils and if they are not satisfied with the condition of a road, they may give notice to the District Council concerned and in case of non-compliance, themselves do what is necessary. In recent years a Ministry of Transport has been established which amongst other functions, controls the administration of the Road Fund and makes grants for road works to local authorities subject to the approval of proposed works and inspection. In cases of grants which form the whole or a major part of the cost of a work the Ministry frequently places engineers from its own staff in

charge of the works. The Ministry took over the functions of the Road Board which had previously functioned under the Highway Act of 1855. The powers and duties of the Minister of Transport in relation to the County and Urban Road Authorities are somewhat involved and for the purposes of this Report it will be sufficient to observe that conditions in a highly civilized country such as Great Britain (where on a single important road the cost of construction might well exceed the total allocation for roads in this Colony and the standard is superior to the more advanced standard of construction which is found on Nairobi main roads) are quite incooperable to those in Kenya with its earth and currag roads.

The recent progress of events in Great Britain has been that, with the growth in volume and speed of fast-moving traffic, the standard of roads has required to be improved at very considerable cost; the recovery of this enhanced cost from the inhabitants of local government units has proved a hardship and arrangements have had to be made for a more equitable spreading of the burden of the cost of modern speedways. This has been done by means inter alia of the Road Fund which is devoted to defraying in part or wholly the cost of particular roads which require a particularly expensive type of construction - in the construction of such roads the employment of special resident engineering staff is of course as necessary as in the construction of a railway; since the cost of such roads runs sometimes into scores or hundreds of thousands of pounds.

4. The example of other Crown Colonies is not particularly appropriate as there is, so far as we are aware, no Crown Colony in which the same conditions exist as we have in the settled Areas of Kenya. And as regards Canada, no evidence has yet before us as to how the present position in this matter, whatever it may be, had been reached. As regards Victoria and the other States of the Commonwealth, the Road Engineer was unable to inform us what had been the financial liabilities of the local councils when they had charge of the trunk roads, but he stated that the principal reason for centralization was that through lack of interest the trunk roads were starved and suffered from inadequate attention.

It has, however, been urged upon us that, in the light of the experience referred to in those countries, it would be wise in principle for any change to be made in Kenya from the present system of direct control by the Central Government through the Public Works Department. This contention rests on the following grounds :-

- (a) Neighbourly pressures;
- (b) that main trunk roads are of national or international importance and that, if left to local councils, they will be ill maintained through lack of interest;
- (c) that the staff employed by local authorities is inefficiently qualified;
- (d) that central control controls a central staff working as a team and gives better results than divided staffs, and that, so long as the Central Government is the Road authority, arrangements with local authorities on the lines of their acting as contractors or agents are bound to be unsatisfactory.

5. (a) In regard to the point of "neighbourly pressure" we have only to remark that this is an argument against the whole system of Local Government. We should repudiate as unworthy of discussion any insinuation that it exists in Kenya to an extent to warrant serious consideration, or such an insinuation is intended by the Road Engineer. (b) In his oral evidence the Road Engineer developed a more cogent line of argument viz. that where trunk roads are not of local importance, the care of them will deteriorate and they will be starved in comparison with the roads which are of local importance. Furthermore, that they are in this country of national importance and should remain in the charge and control of the Central Government. This is undoubtedly a point of prime importance. We also gathered from his evidence that in Victoria at least the real reason which led to the transfer of the trunk roads from the local to the central authority was lack of interest on the part of the local authority. Now, do these same conditions apply in Kenya in respect of the main trunk roads with which we are dealing? In our opinion the answer to this question is, in the main, in the negative. In the Nakuru District the main trunk roads from Nairobi-Lisiba-Uganda and Nairobi-Nakuru-Ildoret-Turkana at present run from the Eastern district boundary a few miles west of Gilgil to the Western district boundary at Lau Summit; and from Nakuru to Eldama Ravine and Ikutano. Now the main trunk road between Gilgil and Nakuru carries all the district traffic into Nakuru itself. The Elmonteita Road joins it at Mile 7 from Nakuru; the projected Thomson's Falls Road will join it at Mile 9; the Solai and Subukia Road joins it at the Municipal boundary. From Nakuru westwards it is the sole link which the residents at Mau Summit, Kolo, Ilburgon and Njoro have with their country town, Nakuru, and all the district roads lead into it and in order to reach district roads at Kolo from Nakuru a distance of 54 miles on the main trunk road must be covered. The present Ravine-Ikutano road is likely, in accordance with approved proposals for the development of the main trunk road Nakuru-Ikitala, to become a district road in the near future.

It is therefore difficult for us to contemplate that those sections of these roads which are of such importance for district purposes would suffer from lack of interest if the local authority became responsible for them.

The same conditions apply, we think, to the section of the Nairobi-Ildoret-Turkana Main Trunk Road between Ildoret and the Trans Nzoia District Council north-western boundary, beyond Kitale, and between Ildoret and Turbo, and also along parts of the road from Ikutano to Ildoret. There are, however, considerable stretches of this latter section upon which traffic for district purposes must be very small particularly from Ikutano to Burnt Forest. The section northwards into Turkana is not used at all for district purposes.

The main trunk route from Ildoret through Turbo to Uasin can hardly be said to be in effective existence at present. It is designed to develop, as the future main trunk road, the road on beyond Turbo which runs to Broderick Falls thence towards Kakapaga, and through Lusia to Busia, but at present the whole stretch of this road from Broderick Falls westward is controlled by the Administration with funds for the vote for tracks in native reserves allotted to them by the Public Works Department. The route which has been hitherto used, viz: via Lalakisi and Tororo branches off at Turbo as to a district road, and from Lalakisi westwards is an administration track. We understand (and see no reason to question the fact) that the present traffic along the Turbo-Ildoret road is almost entirely district traffic.



5. (a) In regard to the point of "neighbourly pressure" we have only to remark that this is an argument against the whole system of Local Government. We should repudiate as unworthy of discussion any insinuation that it exists in Kenya to an extent to warrant serious consideration. If such an insinuation is intended by the Road Engineer. (b) In his oral evidence the Road Engineer developed a more coherent line of argument viz. that, where trunk roads are not of local importance, the care of them will deteriorate and they will be starved in comparison with the roads which are of local importance. Furthermore, that they are in this country of national importance and should remain in the charge and control of the Central Government. This is undoubtedly a point of prime importance. We also gathered from his evidence that in Victoria at least the real reason which led to the transfer of the trunk roads from the local to the central authority was lack of interest on the part of the local authority. Now, do these same conditions apply in Kenya in respect of the main trunk roads with which we are dealing? In our opinion the answer to this question is, in the main, in the negative. In the Nakuru District the main trunk roads from Nairobi-Nisungu-Uganda and Nairobi-Nakuru-Idoret-Turkana at present run from the Eastern district boundary a few miles west of Gilgil to the Western district boundary at Mau Summit; and from Nakuru to Eldama Ravine and Mutano. Now the main trunk road between Gilgil and Nakuru carries all the district traffic into Nakuru itself. The Macontita Road joins it at Mile 4 from Nakuru; the projected Thomson's Falls Road will join it at Mile 6; the Solai and Subukia Road joins it at the Municipal boundary. From Nakuru westwards it is the sole link which the residents at Mau Summit, Holo, Mburua and Njoro have with their country town, Nakuru, and all the district roads lead into it and in order to reach district roads at Holo from Nakuru a distance of 84 miles on the main trunk road east of covered. The present Ravine-Mutano road is likely, in accordance with approved proposals for the development of the main trunk road Nakuru-Uganda, to become a district road in the near future.

It is therefore difficult for us to contemplate that those sections of these roads which are of such importance for district purposes would suffer from lack of interest if the local authority became responsible for them.

The same conditions apply, we think, to the section of the Nairobi-Idoret-Turkana Main Trunk Road between Idoret and the Trans-Nzoia District Council north-western boundary, beyond Kitale, and between Idoret and Turbo, and also along parts of the road from Mutano to Idoret. There are, however, considerable stretches of this latter section upon which traffic for district purposes must be very small, particularly from Mutano to Karut Forest. This section, northwards into Turkana is not used at all for district purposes.

The main trunk route from Idoret through Turbo to Uganda can hardly be said to be in effective existence at present. It is designed to develop, as the future main trunk road, the road on beyond Turbo which runs to Frederick Falls thence towards Kakapaga, and through Lunya to Busta, but at present the whole stretch of this road from Frederick Falls eastwards is controlled by the Administration with a view for the vote for tracks in native reserves allotted to them by the Public Works Department. The route which has been hitherto used, viz: via Malakisi and Njoro branches off at Turbo as to a district road, and from Malakisi westwards is an administrative track. We understand (and see no reason to question the fact) that the greater traffic along the Turbo-Idoret Road is almost entirely district traffic.

On this line of thought; therefore, it seems that, with the exception of the Mankana section of the road which bears no district traffic, and the section Mkatano and Durat Forest which bears little district traffic, the rest of the main trunk road system in these districts can be said to be of at least equal importance for district as for trunk purposes. Subject then to safeguards in regard to these sections there seems little reason to fear lack of interest in the whole system on the part of the District Councils.

6. If then there will be no lack of interest in the various sections, does this in itself affect the thesis that the main trunk roads are of national and international importance and should, therefore, on this count alone be controlled by the Central Authority? This was the conclusion reached by the Local Government Commission, and in the early stages of local government it was for obvious reasons impossible to hand over to newly constituted District Councils the care of main trunk roads when their organization had not been arranged. This thesis rests primarily on the point that for through traffic it is important that the whole road should be in good even condition, and that the wise expenditure of available funds to secure this object depends on freedom from local considerations and concentration purely on road conditions. We recognise the force of this contention and we have dealt with it in our report when discussing safeguards.

7. (c) As regards staff, this point is dealt with in paragraph 14 of our report.

8. (d) The last argument in favour of retaining Central Control is that by means of it team work is obtained; the responsible authority works throughout the system with its own officers, and has behind it the resources of a large Government Department. There are unquestionable advantages in team work, but, given competent council staff and a local inspecting officer appointed by Government to inspect and approve plans of work and to pass works prior to payment being made, these advantages should not necessarily be sacrificed.

MEMORANDUM ON THE SUBJECT OF ROADS.

In this memorandum I shall explain why the control of Trunk Roads by District Councils is diametrically opposed to modern practice, and would result in failure. I also outline a scheme for the solution of the present most uneconomical state of affairs.

2. I will first quote the following resolutions showing the considered opinions of two bodies in Kenya who are not influenced by local interests, one by the Provincial Commissioners, who represent the interests of both white and natives, and the other by the Executive of the R.M.A.A.A. who represent the travelling public.

Provincial Commissioners, Meeting of 3.11.51.

"The meeting agreed that it would not make for efficiency or economy for Local Government bodies to take over Main Trunk Roads".

Executive Committee of the R.M.A.A.A. of 29.9.51.

"That this Association is definitely of the opinion that the best interests of the country would not be served in handing over the construction, improvement and maintenance of Main Trunk Roads to District Councils, and that Main Trunk Roads should remain in the hands of a Central Authority".

Trunk Roads are of vital importance in Military operations. In order to obtain first hand views on the proposals before the Ad. Hoc Committee, I would strongly recommend that Lieut. Col. R. Wilkinson, D.S.O., C.O., King's African Rifles, be requested to give an expression of opinion.

3. I will now state the position as it exists in other countries.

4. In answer to a letter to the Chairman of the Victorian Country Roads Board, I have received the following cable :-

Keora, Public Works, Nairobi,

Board adopted generally accepted principle maintenance of Trunk Roads Responsibility Central Authority. McCracken.

5. The above is the principle in operation, not only in Victoria but in every other State in the Commonwealth of Australia. In this connection the words which I have underlined should be noted - the cable does not state "their principle" but the "generally accepted principle" which I shall now show is accepted in America.

6. In a copy of the Engineering News Record dated 7.1.52 (this year), a very interesting and timely article has been contributed by Mr. T.H. McDonald, who is the Engineer in Chief for Roads to the United States of America, and Supreme Head of the National Bureau of Roads. Extracts from his article relevant to the present proposals as they affect Kenya are as follows :-

"That to do about the administration of the large mileage of local rural roads is a question that should have early attention".

".....the local officials themselves are particularly subject to that form of neighbourly pressure that is so difficult for an elective official to resist, and is so inimical to the rational administration of a highway programme".

"In North Carolina the County Officials have recently been shorn of all highway authority, and their former powers have been transferred to the State Highway Commission. In Pennsylvania and Missouri less drastic measures have been taken, involving the transfer of only a part of the remaining local mileage to State Control".

7. It is interesting to note that in the whole of Mr. McDonald's article in this connection, there is no mention of National or State Highways - the idea of these roads being controlled by Local Authorities is so completely out of the question that it does not arise; - the trend in America is to divorce all roads from the control of bodies who "suffer from that form of neighbourly pressure" quoted above.

8. In England, Canada, South Africa (except in the Cape Province), and in every single Crown Colony the principle of Central Control or a control higher than that of the Rural body is accepted, so why, therefore, should Kenya revert to a system which older and more experienced countries have tried and, without exception, proved not only uneconomical but, what is of much greater importance, thoroughly unsatisfactory?

9. To the layman it may sound unreasonable that, given the same class of Engineer, the road works could not be satisfactorily carried out. I would point out that the failure does not result from the Engineer if he is a fully qualified and experienced man, but, as has been proved in America, Australia and other countries, from "neighbourly pressure". In Victoria the standard of the Shire Council Engineer is probably as high as that of any country in the world. It is a fact that until a man has qualified (by examination) and had at least three years experience, he is not eligible under Law for a position as Shire Council Engineer, and, in practice, no Engineer is appointed to a Shire until he has had five years experience as an Assistant. As I remarked above, even with this qualification the Shires (or Councils) are not considered competent to carry out the construction or maintenance of the Trunk System.

10. In this connection I would point out that not one of the present Engineers employed by the District Councils would be eligible for a Shire Engineer's appointment in Australia.

11. Messrs. Harger and Conroy, who are the joint editors of the foremost text book on Highway Engineering, give the following as their opinion on this subject :-

"If the Engineers are inexperienced or second rate no system of standardisation or rigid red tape will prevent wasteful design and poor construction work".

12. It appears to be quoting a lot, but one simply cannot disregard the opinions of such people as those whom I have quoted, because they are amongst the highest authorities on roads to-day.

13. In connection with paragraph 11 above I would instance three cases of gross inefficiency on the part of District Councils where permanent bridging is concerned.

- (1) Permanent Bridge (?) referred to the P.W.D. asking whether a proposal for strengthening would allow for heavy lorry traffic as the bridge had been designed for light lorries. The design, (which was of the obsolete "jack arch" type and designed by an architect) went out amongst Bridge Engineers many years ago and furthermore, the steelwork was so loaded with a mass of concrete that it was incapable of safely supporting its dead load, let alone any live load.
- (2) Permanent Bridge (?) which was designed by a Contractor and through faulty design was washed away by floods very soon after completion.
- (3) Permanent Bridge (?) Designed by a District Council Engineer whose knowledge of R.C. was such that it was more dangerous than complete ignorance. The design was checked by the P.W.D. and found approximately 50% strong enough to support the load for which the bridge was designed (?).

14. The above instance alone should be sufficient to put the proposals out of court.

15. Councils are at present handling their lightly travelled District Roads and fail to appreciate the difference between their roads and a heavily travelled Trunk System, and do not appreciate the thought organization and team work which is necessary to keep them maintained and improved with insignificant sums available.

16. The present state of the Kenya Trunk System and the improvements which, it is generally admitted, are taking place are entirely due to the P.W.D. Engineers and the Departmental organisation.

17. Under the P.W.D. organisation the Road Foremen are directly responsible to the Executive Engineers, who are qualified Engineers - they in turn are directly responsible to Qualified Engineers at Head Office. With this direct control a definite and continuous policy is possible.

18. The whole system has the advantage of the organised system of Accounts, Stores and other branches of the P.W.D.

19. Shortly, the position is this :-

The Main System is directly controlled by experienced and qualified Engineers, who are working to a definite policy with a complete organisation behind them.

Under the District Councils, the direct control by qualified Engineers would vanish. The Council Engineers

are the servants of bodies composed of laymen who (from my own experience in this and other countries) consider themselves born Road Engineers and are incapable of refraining from interference.

20. It will perhaps be argued that the P.W.D. Road Office would still have control - This would not be so, however, in practice. It is one thing to carry out a certain work in a certain way with your own qualified staff, but it is an entirely different matter to attempt to carry out similar work through an unqualified man who is the servant of another.

21. Roads are supremely important, and under no circumstances is any departure from the accepted World wide principles worthy of a moment's consideration. These principles, which I have outlined above, have been evolved after many years experience and are not just the result of impulse or the unconsidered views of inexperienced persons.

22. If such a catastrophe as the transference of the Trunk Roads to District Councils should eventuate, I venture to prophesy that no Road Engineer of high qualifications and experience would be willing to accept responsibility, because the ultimate result would undoubtedly be the failure of the Road System and, with that failure, the collapse of his reputation as a Road Engineer.

23. The present state of affairs is undoubtedly uneconomic and unsatisfactory. I have shown that the suggestions put forward by the Councils are untenable, and, in order that my memorandum should be complete, I give an alternative, which, while being in accordance with the accepted principles, would be a solution to the difficulties.

24. The position, as it exists, is that we have the P.W.D. on the one hand with complete organisation which (even in these days of reduced votes and overheads increased by the salaries etc., of retrenched staff) working at an overhead of 17.3%. On the other hand we have, shall we say, the Usin Gishu District Council with a small local organisation working to an overhead of 36%. In passing I should like to point out that the P.W.D. overhead includes for the Head Office Staff, but in the case of the Council the overhead does not include a proportion for the Local Government Section of the Secretariat.

25. At all meetings and discussions and in all correspondence on this subject there has not been, nor can there be any reasonable suggestion that the work of the P.W.D. has been other than completely satisfactory. With this in view, coupled with the facts concerning overheads quoted above, the solution is obvious and is as follows :-

That Local Government in District Council Areas be abolished.

H.S. MOORE,  
ROAD ENGINEER.