This action is funded by the European Union

ANNEX 2

of the Commission Decision on the Annual Action Programme 2017 in favour of Kenya to be financed from the 11th European Development Fund

Action Document for "Contribution to Africa Investment Facility for the Urban Mobility Programme in Kenya"

| 1. Title/basic act/CRIS number | Urban Mobility Programme  
| CRIS number: KE/FED/040-587  
| financed under the 11th European Development Fund (EDF) |
| 2. Zone benefiting from the action/location | Kenya  
| The action shall be carried out at the following location: Nairobi Metropolitan Area |
| 4. Sector of concentration/thematic area | Sustainable Infrastructure  
| DEV. Aid: YES |
| 5. Amounts concerned | Total estimated cost: EUR 45 000 000  
| Total amount of EDF contribution EUR 45 000 000  
| This action is co-financed by entities and for amounts specified in the indicative project pipeline - Appendix 2 |
| 6. Aid modality and implementation modality | Project Modality  
| This action regarding this Regional Blending Facility shall be implemented in indirect management by entities to be indicated in complementary financing decisions to be adopted at the end of the Regional Blending Facilities award procedure |
| 7 a) DAC code(s) | 210 – Transport and Storage  
| 21010 Transport policy and administrative management 20%  
| 21020 Road Transport 40% |
| 430 – Other multisector  
| 43030 Urban development and management 40% |
| b) Main Delivery Channel | 40000 Multilateral Organisations |
### 8. Markers (from CRIS DAC form)

<table>
<thead>
<tr>
<th>General policy objective</th>
<th>Not targeted</th>
<th>Significant objective</th>
<th>Main objective</th>
</tr>
</thead>
<tbody>
<tr>
<td>Participation development/good governance</td>
<td>☐</td>
<td>☒</td>
<td>☐</td>
</tr>
<tr>
<td>Aid to environment</td>
<td>☐</td>
<td>☒</td>
<td>☐</td>
</tr>
<tr>
<td>Gender equality (including Women In Development)</td>
<td>☐</td>
<td>☒</td>
<td>☐</td>
</tr>
<tr>
<td>Trade Development</td>
<td>☒</td>
<td>☐</td>
<td>☐</td>
</tr>
<tr>
<td>Reproductive, Maternal, New born and child health</td>
<td>☒</td>
<td>☐</td>
<td>☐</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>RIO Convention markers</th>
<th>Not targeted</th>
<th>Significant objective</th>
<th>Main objective</th>
</tr>
</thead>
<tbody>
<tr>
<td>Biological diversity</td>
<td>☒</td>
<td>☐</td>
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<tr>
<td>Combat desertification</td>
<td>☒</td>
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<td>☐</td>
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<tr>
<td>Climate change mitigation</td>
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<td>☐</td>
</tr>
<tr>
<td>Climate change adaptation</td>
<td>☒</td>
<td>☐</td>
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</tr>
</tbody>
</table>

### 9. Global Public Goods and Challenges (GPGC) thematic flagship

Link with Flagship 12: Climate Change Mitigation: Supporting low carbon development

### 10. Sustainable Development Goals (SDGs)

Main SDG: SDG 11 – Make cities and human settlements inclusive, safe, resilient and sustainable

Secondary SDG:
- SDG 1 - End poverty in all its forms everywhere
- SDG 8 - Promote sustained, inclusive and sustainable economic growth, full and productive employment and decent work for all
- SDG 13 - Take urgent action to combat climate change and its impacts

### SUMMARY

The action promotes investment in sustainable urban mobility in Nairobi through grant/loan blending. Concretely, investment in a Bus Rapid Transit (BRT) project is to be achieved.

The action will be carried out through injection into Africa Investment Facility (AIF) of funds to be used for grant loan blending purposes with international financing institutions (IFIs) or European financing institutions (EFIs). Following AIF award and one or more complementary Commission decisions, a delegation agreement is to be concluded with one or more eligible IFIs or EFIs.
1 CONTEXT

1.1 Sector/Country/Regional context/Thematic area

1.1.1 Public Policy Assessment and EU Policy Framework

Kenyan Institutional framework in the transport sector

The Ministry of Transport, Infrastructure, Housing and Urban Development (MoTIHUD) is the leading actor of the Kenyan transport sector. The Ministry comprises five State Departments: Infrastructure, Transport, Housing and Urban Development, Maritime and Shipping affairs and Public Works.

Key institutional reforms were implemented in the road sub-sector during the last 20 years. The creation of the Road Maintenance Levy Fund in 1993 and of the Kenya Roads Board (KRB) in 2000 to manage the disbursement of the Fund improved the condition of the roads network. Following the enactment of the Kenya Road Act in 2007, three autonomous road agencies were created with clear mandates to manage Kenya's road network assets: Kenya National Highway Authority (KeNHA), Kenya Rural Roads Authority (KeRRA) and Kenya Urban Roads Authority (KURA). The new authorities became operational in July 2009. A draft road bill is currently in discussion in Parliament to concretise the devolution process in the road sector. As per the 2010 Constitution, the new road bill will clarify which roads are classified as national trunk roads and which roads are classified county roads. The road bill will also clarify which authorities are in charge of the different types of roads.

Other relevant actors of the transport sector include: the National Transport Safety Authority (NTSA) established in 2012 with a mandate covering road transport system planning, regulation as well as road safety policies; Kenya Railway Corporation (KRC); Kenya Ports Authority (KPA) and Kenya Airport Authority (KAA).

With regard to urban mobility, Kenya's 2010 Constitution devolved County transport, including county roads and public road transport to the Counties. In practical terms however, most Kenyan Counties are still playing a limited role in the transport sector.

In the Nairobi Metropolitan Area (NMA), Nairobi City County (NCC) and the 4 other counties of the NMA (Kiambu, Machakos, Kajiado and Muranga) signed a Memorandum of Understanding with MoTIHUD in October 2014, to pave the way for the establishment of the Nairobi Metropolitan Area Transport Authority (NaMATA). A steering committee for NaMATA was gazetted in February 2015 and a Secretariat was appointed in December 2015. The Executive Order to establish NaMATA was signed by the President of Kenya on 17 February 2017. NaMATA's mandate mostly covers transport strategy and planning for the Metropolitan Area, development of a Mass Rapid Transit system, traffic management, Non-Motorised Transport. Capacities of these institutions have received and will continue to receive support by international donors. With an EU-financed institutional support contract starting in September 2017, NaMATA shall receive technical assistance/capacity development over 36 months.

Kenyan strategies and policy documents in the transport sector

Infrastructure is one of the foundations of Vision 2030, the main long term policy document guiding the development of Kenya and transport is one of the key drivers for the realisation of the Vision's pillars, which also contains under the social strategy (one of its pillars) specific targets on gender, youth and vulnerable groups. With regard to gender, Vision 2030 stipulates equity in resource distribution between the sexes, which is closely linked to women's access to safe, reliable and efficient transport. The Second Medium Term Plan 2013-2017 for the implementation of Vision 2030 puts an emphasis on the infrastructure sector including transport and focuses on sustaining and expanding Kenya's physical infrastructure to ensure that it can support a rapidly-growing economy. With regard to urban
mobility, the Second Medium Term Plan includes as flagship project the development of Mass Rapid Transit systems in Kenyan major cities and the establishment of a transport authority for Nairobi Metropolitan area.

The 2009 Integrated National Transport Policy document provides a 15-year strategic planning framework for the transport sector. This document promotes, as part of a new framework for the transport sector, the consolidation of Urban Public Transport, including the establishment of a transport metropolitan authority for Nairobi and the integration of Non-Motorised Transport into the Transport Systems. The update of this national strategic document is planned as part of the project "Sirari corridor accessibility and road safety improvement: Isebania-Kisii-Ahero road rehabilitation project" through an investment grant funded by the EU-ITF.

An Integrated Urban Development Master Plan for the City of Nairobi (NIUPLAN) was approved in 2014 by Nairobi City County. Development of a mass rapid transit system in Nairobi, including BRT routes, is proposed as part of the priority Urban Transport Development programme formulated within this Master Plan.

**Funding of the Kenyan transport sector**

In recent years, development and maintenance financing of transport infrastructure has significantly increased. Budget allocated to the road sub-sector (development and maintenance) has increased from KES 46 billion in 2006/2007 to KES 187 billion in 2017/2018. The road maintenance levy has been increased from KES 12 to 18 /litre of fuel in June 2016.

In addition to public/donor funding, the Kenyan Government seeks to increase private sector funding to the transport sector. In 2014, the Government launched the Annuity Programme which aims at mobilising loans from commercial banks to finance the surfacing and maintenance of 10 000 km of previously unsurfaced roads. The Government is in addition considering introducing public–private partnership (PPP) schemes (with tolls) for transport projects.

**EU policy framework**

The new European Consensus for Development adopted by the Council on 19 May 2017, stipulates that its implementation "will be closely coordinated with that of the Paris Agreement on Climate Change and other international commitments of the European Union, including the New Urban Agenda." It outlines that "(t)he EU and its Member States will support the design, construction and operation of quality infrastructures (...) that are more resource and energy efficient. They will support the development of sustainable, low-emission, interconnected and secure mobility and transport networks"

The New Urban Agenda adopted by the UN General Assembly in September 2017 provides that signatories "will promote access for all to safe, age- and gender-responsive, affordable, accessible and sustainable urban mobility". It specifies that this will be done by supporting a "significant increase in accessible, safe, efficient, affordable and sustainable infrastructure for public transport, as well as non-motorized options such as walking and cycling, prioritizing them over private motorized transportation".

The European Union’s External Investment Plan (EIP) provides for the creation of the European Fund for Sustainable Development (EFSD) as its first pillar. The first meeting of the Strategic Board of the European Fund for Sustainable Development (EFSD) in Brussels on 28 September 2017 considered 5 investment windows essential, including one on "Sustainable cities" which is targeted at exploring innovative mechanisms to address the challenges of sustainable urban development faced by partner countries. Promoting greener
transport modalities is among the targets of another investment window "Sustainable Energy and Sustainable Connectivity".

The relevant programming document between the European Union and Kenya, the 11th EDF National Indicative Programme 2014-2020 for Kenya, signed in June 2014, includes as the second focal sector "Sustainable infrastructure". One of the two specific objectives to be pursued under this focal sector is: "develop a more efficient and safe transport system for increased productivity and reduced negative environmental impact". Three results are expected under this specific objective: "Increased access to and efficiency of transport services and reduced transport cost for passengers and goods", "Reduce environmental impact of the transport sector", and "Increased road safety". The indicated preferred mode of financing the projects is blending of EU grants with loans from Development Finance Institutions.

Transport is one of the key priority sectors of the Africa Investment Facility (AfIF).

1.1.2 Stakeholder analysis

Main implementing partners of the project will be NaMATA and the key stakeholders being part of NaMATA including MoTIHUD and NCC. MoTIHUD and NCC have expressed their keen interest to carry forward Mass Rapid Transit Systems including BRT in Nairobi. Other public and private bodies playing a role in Kenya, such as other counties, the NTSA, KURA, KeNHA and public transport operators will also be key implementing partners. Relevant stakeholders will also include informal transport operators.

Direct beneficiaries will include all Kenyans who will benefit from improved urban mobility in the NMA, i.e. in particular the citizens of Nairobi but also of the neighbouring counties (commuters). The project will target more specifically vulnerable users who are currently hampered by low mobility such as urban poor and women as well as Persons with Disabilities.

The transport investment project to be prepared and implemented under this programme will impact people living and working in the vicinity of the projects. During design of the projects, an Environmental and Social Impact Assessments is being conducted to ensure that opportunities to improve livelihoods are identified and measures taken to mitigate the negative impacts the project may have, including negative environmental impacts and resettlement issues.

1.1.3 Priority areas for support/problem analysis

A rapid urbanization leading to unbearable urban transport condition

Kenya has been urbanising rapidly with an estimated 25% of its population currently residing in urban areas. The population living in urban areas is projected to reach 50% around 2050\(^1\). By 2030, Nairobi city population is expected to increase from 3 million inhabitants in 2009 to, depending on projections, between 4.5 and 7 million\(^2\).

Kenya's cities grow rapidly with inadequate urban and transport planning, leading to poor service delivery that constrains their social and economic development. Investment in urban infrastructure is low and has so far been dedicated to improving the road network for car traffic. All urban road transport services are currently provided by private stakeholders, without any public subsidy. In the short to medium term, uncertainties with regard to the devolution process implementation are hampering a rational allocation of resources to urban centres for development.

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\(^1\) Kenya Urbanization Review, World Bank, 2016.
\(^2\) NIUPLAN, 2014.
Therefore, urban transport in Kenya and especially in Nairobi is inefficient and characterised by severe traffic congestion, long waiting hours and high costs for public transport, poor safety and security, as well as environmental degradation from pollution. These unbearable transport conditions are experienced on a daily basis in Nairobi, although the transport mode distribution is still relatively balanced at the moment (40% walking, 40% public transport, 20% private car). As a result of urban growth and an expected doubling of car ownership rate between 2005 and 2025, if nothing is done, the situation is expected to further deteriorate and congestion to rise sharply. In that scenario, average speed in Nairobi city is expected to be halved by 2030, from a current average of 40km/h to 20km/h\(^3\). In peak times average speed in the city centre and along most of the main arteries is already much slower than that.

**Major negative impacts on poverty, economy and environment**

An inefficient urban transport system has **three major negative impacts**:

- **It increases urban poverty** and disadvantages **women and youth** as these population groups typically bear the brunt of under-investment in urban planning and deployment of infrastructure.
  - Economic growth has concealed high and rising inequalities in urban areas - income disparities in Kenyan cities have steadily increased over the last decade while those in rural areas have on average declined. The poverty level in urban areas is high with 52% of the urban population living below the national poverty line, 44% in Nairobi\(^4\) where almost half of the city's population lives in over 100 slums and squatter settlements;
  - Public transportation fares are high and variable. Studies show that taking a series of informal mini/midi buses ("matatus") and motorbikes ("boda bodas") to and from work can cost as much as 30% of daily wages in Nairobi;
  - The majority of Nairobi’s inhabitants walk as they cannot afford motorised transport. Half of these trips are more than 9km\(^5\) and are made in poor conditions regarding safety and comfort. Although walking is the main (40%) transport mode in Nairobi, it accounts for only 1% of the total transport costs, including public investments. The share of cycling in Nairobi is estimated at less than 3%. Lack of dedicated non-motorised transport infrastructure facilities and fear of fatal traffic accidents are the main impediments to higher bicycle use in urban areas;
  - For the poor, women and youth, bad transport conditions diminish their access to basic needs (work, education, health, etc.). More specifically, the persistence of low mobility is a major challenge for those seeking employment and thereby seeking to increase their household incomes. It erodes the efficiency of individual economic activities as well as reducing national and municipal economic efficiency.

- **It hampers economic growth.**
  - Urban areas, and especially Nairobi, are a major contributor to Kenya’s economy. Nairobi city generated in 2009 over 25% of Kenya GDP\(^7\);
  - Transport inefficiency, both in terms of passengers and freight transport, has a strong negative impact on Kenya's economy. In addition to high fares, multiple

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\(^3\) NIUPLAN, 2014.


\(^5\) Feasibility Study and Technical Assistance for MRTS in the Nairobi Metropolitan Region, AfDB, 2011.

\(^6\) NIUPLAN, 2014.

\(^7\) NIUPLAN, 2014
additional hidden costs lead to economic waste: cost related to time-losses due to the congestion, the unpredictability of the traffic and the unproductive hours spent by pedestrians, cost related to multiple accidents and to environmental degradation. Such inefficiency leads to a high cost of living, increases suffering for the poor urban dwellers, crowds out investors and positions the country poorly as a transport hub;

- Transport inefficiency is, in addition, putting Kenya's international attractiveness with investors at risk especially as neighbouring capitals (Dar es Salaam, Addis Ababa) have taken an advance on Nairobi already in developing modern transport systems;
- The cost of the inefficient urban transport system in Nairobi is estimated to be around 2% of Gross Domestic Product (GDP)\(^8\). This will be exacerbated as Nairobi's population grows and economic activity increases.

- It damages the environment.

- At global level, road transport is a major contributor to climate change through greenhouse gases (especially CO\(_2\)) emissions. According to the *Kenya National Climate Change Action Plan 2013-2017*, the transport sector is the third sector contributing to greenhouse gases emissions and the sector contribution is expected to increase rapidly, from about 6 MtCO\(_2\) in 2010 to about 18 MtCO\(_2\) in 2030. According to this plan, the Nairobi Mass Rapid Transit project as a whole is the transport sector project with the largest mitigation potential with an estimated abatement of 2.8 MtCO\(_2\) per year;
- At local level, road transport generates air pollution (especially NO\(_x\) and particulates) and noise pollution which are high in Nairobi. For example, a study\(^9\) conducted in 2003 in Nairobi Central Business District demonstrated that PM10 levels were far above the WHO limits (239µg/m\(^3\) on average against a limit of 100µg/m\(^3\)) and that the level of fine particulates was strongly correlated to the density of motor vehicles.

**A consensus to focus on moving people in masses**

The need to address urban transport inefficiency has been underlined in numerous studies and in the major Kenyan planning documents. Since 2014, a consensus has emerged to focus as a priority on **moving people in masses** through the development of a Mass Rapid Transit system for the NMA. Other priorities include: better transport planning including land use planning, enhancing Non-Motorised Transport facilities and improving road safety, improving traffic management and making urban road networks more efficient.

A **Mass Rapid Transit system project for Nairobi** was endorsed by the Ministry of Transport and Infrastructure in May 2014. The project is foreseen to be implemented in two phases:

- Phase I: implementation of five Bus Rapid Transit (BRT) lines and upgrade of the existing commuter rail network;
- Phase II: extension of the lines under Phase I and possible upgrade to modes such as Light Rail.

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\(^8\) Institutional Capacity Building to the Transport/Road sector in Kenya, Traffic engineering input 1 Final report, annex A, EU, May 2014

\(^9\) Motor vehicles and air pollution in Nairobi, Odhiambo et al., 2010
The Nairobi Mass Rapid Transit system has the potential to be an iconic project, transforming transport conditions in the Metropolitan area. The Nairobi Mass Rapid Transit system project is also a complex project raising not only transport infrastructure issues but also transport institutional and operational issues. Total cost of the 5 Bus Rapid Transit lines is expected to be several billion euros and will require a joint effort by the Government of Kenya and several development partners (DPs).

Due to the large scale of implementing such a project, the various project components will invariably need to be phased and broken down into smaller parts. Since 2014, and upon request of the Kenyan Government, preparatory works for the development of the Bus Rapid Transport network has focused on three lines: a North-South line (Line 1) for which the lead has been taken by the World Bank and two East-West lines (Lines 3 and 4). While the African Development Bank (AfDB) has been requested to fund preparatory studies for Line 4 East, the Kenyan Government requested the EU in 2014 to fund a preparatory study for Line 3 and Line 4 West. Subsequent to this request, the EU contracted in May 2015, with the Consortium Ingerop/Lux Consult/Lux Consult Mtius, a Feasibility and Detailed Design study for BRT Line 3 and Line 4W. The feasibility study was submitted in March 2016, while essential parts of the draft Detailed Design were submitted in July 2017 with remaining parts expected by end of 2017.

1.2 Other areas of assessment

N/A.

2 RISKS AND ASSUMPTIONS

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<th>Risks</th>
<th>Risk level (H/M/L)</th>
<th>Mitigating measures</th>
</tr>
</thead>
<tbody>
<tr>
<td>Institutional framework for urban mobility not fully established and operational</td>
<td>M</td>
<td>The progressive establishment and operationalisation of an adequate institutional framework to be included as a pre-condition in the agreement(s) to be signed with the Financing Institution(s); Continued dialogue, jointly with other Development Partners, with the Kenyan Government; capacity building support.</td>
</tr>
<tr>
<td>Lack of project coordination</td>
<td>H</td>
<td>Urban mobility projects in Nairobi Metropolitan Area to be coordinated by NaMATA. NaMATA capacity to be strengthened by Capacity Building programmes included an EU funded project foreseen to start from August 2017.</td>
</tr>
<tr>
<td>Lack of technical skills within the implementing partners</td>
<td>H</td>
<td>EU funded capacity building programme with a specific focus on urban mobility to start from August 2017. Complementary capacity building on urban mobility to be provided by World Bank and as part of the KfW/GIZ (Deutsche Gesellschaft für Internationale Zusammenarbeit GmbH) project submitted under NAMA facility.</td>
</tr>
<tr>
<td>Problem</td>
<td>Resolution</td>
<td></td>
</tr>
<tr>
<td>------------------------------------------------------------------------</td>
<td>---------------------------------------------------------------------------------------------</td>
<td></td>
</tr>
<tr>
<td>No sufficient financing available to maintain/operate infrastructures</td>
<td>Exploitation of BRT shall be commercially profitable (fares revenues shall cover at least operation and fleet costs). Maintenance of infrastructure by Kenyan stakeholders to be included as a pre-condition in the agreement(s) to be signed with the Financing Institution(s).</td>
<td></td>
</tr>
<tr>
<td>Opposition to the project from existing stakeholders</td>
<td>Mitigation strategy to be adopted and implemented by NaMATA, with the support of the EU funded Capacity Building and building on similar African BRT experiences.</td>
<td></td>
</tr>
<tr>
<td>Resettlement issues during infrastructure works</td>
<td>Consultation process with project affected persons (PAPs) to start ahead of works launch and to include relevant NGOs/ human rights organisations and women’s organisations. Resettlement Action Plan (RAP), including a census of PAPs (disaggregated by sex), to be adopted for each project. RAP measures, possibly including non-financial compensation, to be included in the project. Gender-responsive capacity building on resettlement issues to be included in the EU funded capacity building programme to start in September 2017.</td>
<td></td>
</tr>
</tbody>
</table>
| Inadequate financing volumes available:  
  *(DP side: project delays could lead to loss of NaMA grants; FI commitments are not firm and priorities may change)*  
  *(Kenyan side: budgetary constraints could prevent allocation of adequate co-financing; Kenya could get close to borrowing ceilings - debt/GDP ratio)* | Project sizing to be adapted to expected grant and loan volumes. Continued reinforced coordination between EU and concerned FIs. Policy dialogue with Government of Kenya. |
| Other DPs pursue conflicting projects and/or diverge with EU on basic design assumptions | Conflicting DP projects: reinforced dialogue with DP concerned KURA and MoTIHUD on such project; explore possibilities for projects adaptation, e.g. through phasing. Divergences on design assumptions: support decision making by the Government and NaMATA; reinforce dialogue between DPs. |

**Assumptions**  
- Stable political and economic climate; absence of major external macro-economic shocks;  
- NaMATA endowed with sufficient capacity, competences and resources;  
- BRT project is prioritised in Vision 2030 – MTP III and receives adequate political support;  
- Effective coordination between relevant government agencies/ministries;  
- NMA counties have competent transport management capacity and receive sufficient funds.
3 LESSONS LEARNT, COMPLEMENTARITY AND CROSS-CUTTING ISSUES

3.1 Lessons learnt

An evaluation of the EU Kenya Cooperation (2006-2012) conducted in 2014 identified several key recommendations to improve EU cooperation in the infrastructure sector. These include the need to improve coordination with other DPs, strengthen policy dialogue, encourage internal synergies within EU funded projects, develop and implement a more result-oriented approach, explore and scale up innovative modalities of delivering finance and ensuring better project designs. The evaluation found that the EU had a comparative advantage in the transport sector and recommended that the future strategy should continue support to roads but with a broader focus on providing infrastructure to the poor, which addresses clear priority needs and enhances synergies.

The on-going KENYA/ACP/Regional Economic Integration by means of Transport Infrastructure - Urban Roads (FED/2011/022-951) project entails the construction of 10 missing link roads in Nairobi including footpaths and cycle tracks accounting for a total length of about 17km and 2 additional footpaths/cycle tracks. Some useful lessons have been learnt from this urban road project, including the fact that infrastructure works in urban settings are more complex, costly and require more time than works in non-urban settings. This is mainly due to issues of land acquisition, resettlement and relocation of utilities as well as to restricted camp site location and access to materials and management of traffic disruption. Good practices to minimise later on cost and time extension include prioritising project areas where such issues can be minimised, foresee additional time and budget compared to non-urban projects, require from the implementing partners adequate progress on these issues before the start of the works. Another good practice is to require the implementing partner to finance costs linked to land acquisition, resettlement and relocation of activities as well as any claims made by the contractor.

The EU funded Institutional Capacity Building to the Transport/Road Sector programme, terminated in December 2016, provided useful lessons learnt from Mass Rapid Transit system projects recently launched in Sub-Saharan Africa such as Dar es Salaam DART project, Lagos BRT project and various BRT project in South Africa. This includes the fact that, although implementing transport infrastructure in urban settings may face some specific challenges, the most difficult components of a public transport project, such as Mass Rapid Transit projects, are often the institutional and the operational components. Another major lesson learnt is that existing privately-managed public transport may strongly oppose public transport projects such as Mass Rapid Transit projects. For that reason, consultation with the operators during project preparation is necessary and mitigation measures shall be foreseen.

3.2 Complementarity, synergy and donor coordination

The current EU aid to Kenya entails a comprehensive support to the transport sector, including several projects related to urban mobility such as the Urban Roads project, the Institutional Support to the Kenyan Transport sector and the Support to Kenyan Road Safety Policy and Programme.

12 Developments Partners are active in the transport sector, of which 10 provide support to infrastructure development, mainly roads but also airports and ports. Several Development Partners already support urban mobility projects, including the World Bank, the African Development Bank, Japan International Cooperation Agency (JICA), UNEP and UN-Habitat.

In the context of joint programming exercise in Kenya, the EU and Member States agreed that transport is a priority sector for joint programming. As such, the EU and the EIB, KfW and Agence Française de Developpement (AFD) have committed themselves to jointly programme activities in this sector and, where applicable, will include other Member States.
In addition, coordination between all Development Partners is carried out through the Development Partner-Transport Sector Working Group. This Working Group was chaired by the EU from July 2014 to October 2016 and is now chaired by JICA and co-chaired by the World Bank. During the EU chair, 8 meetings were held, with a specific focus on urban mobility issues; mainly to agree on common strategic priorities, including the need to establish NaMATA, for the sector dialogue with the Kenyan Government and to ensure proper coordination between Development Partners projects and avoid project overlapping. In early 2017, the Government of Kenya also revived the Government Donor Working on Transport/Infrastructure, which will provide a further forum for coordination.

Furthermore, two relevant processes with which the proposed Urban Mobility Programme will coordinate are:

Global Covenant of Mayors for Climate & Energy: The Global Covenant is an international alliance of cities and local governments with a shared long-term vision of promoting and supporting voluntary action to combat climate change and move to a low emission, resilient society. Sustainable transport is one of the Global Covenant's areas of interest. Nairobi is a member city of the Global Covenant, and the European Union of the main stakeholders in the Covenant.

NAMA Facility: This facility, financed by the UK, Germany, Denmark and the European Commission, supports nationally appropriate mitigation actions (NAMAs) in developing countries. A NAMA for a rapid bus-line in Nairobi ('Kenya Mass Rapid Transport System') has been pre-selected for EUR 20m funding. The proposed Urban Mobility Programme will closely cooperate with the proposed NAMA Facility funding.

3.3 Cross-cutting issues

Cross-cutting issues will be addressed in all activities to be implemented under the project with a view to reduce and mitigate any possible negative impact of the activities and enhance the positive impact.

The project, aiming at enhancing the sustainability of urban mobility in Kenya, shall have an overall positive impact on the environment, notably due to the comparative reduction of pollutants and greenhouse gas emissions allowed by the new transport systems. At a more local level, the activities may however have some negative impacts on the environment, e.g. during construction, which will have been identified during specific Environmental and Social impact studies and will be mitigated through the implementation of Environmental Management Plans. The project will ensure infrastructures are climate proof, i.e. designed to resist climate change and climate events, built using carbon wise techniques, understanding local risks and working to enhance resilience, associating urban planning to climate smart financing and maintenance plans.

Gender issues will be integrated in the project, in line with the EU's Gender Action Plan II and according to EU guidelines on "Mainstreaming gender equality to the project approach" as well as, once available, the recommendations of the "Action plan for accelerated Gender Equality, Women's Empowerment and Gender Mainstreaming in Country Programming" currently being developed in Kenya. A specific Gender Equality Plan will be developed during design phase targeting mainly at reducing women-specific urban mobility constraints and enhancing women participation in the activities.

Activities to be implemented under the project will entail a specific focus on resettlement issues which are a common and sensitive matter when implementing infrastructure projects in urban settings in Kenya. As per international standards, consultation will be conducted with the Project Affected Persons (PAPs) before implementation and a Resettlement Action Plan

10 See [http://www.nama-facility.org/projects/mass-rapid-transport-system-for-nairobi/](http://www.nama-facility.org/projects/mass-rapid-transport-system-for-nairobi/)
will be agreed aiming, as a minimum, at restoring the living conditions of those affected by the project and ideally at working on the continuous improvement of their living conditions.

4 DESCRIPTION OF THE ACTION

4.1 Objectives/results

This programme is relevant for the United Nations 2030 Agenda for Sustainable Development. It contributes primarily to the progressive achievement of SDG 11 but also promotes progress towards Goals 1, 8 and 13. This does not imply a commitment by the country benefiting from this programme.

The overall objective of the project is to accelerate inclusive economic growth in Kenya through more sustainable and efficient urban mobility.

The specific objective of the project is to improve the sustainability and efficiency of urban mobility in Kenya focusing mainly on implementing sustainable transport planning, prioritising public transport and non-motorised transport and optimising the road network.

The expected results of the project are:

- Result 1: Development of a core sustainable, modern and efficient public transport system within the Nairobi Metropolitan Area which is gender sensitive;
- Result 2: Improved planning and management of the transport sector in the NMA taking into account gender issues.

4.2 Main activities

The main activity of the project will be a contribution to national investment projects in the Urban Transport sector in Kenya.

Activities under Result 1

- **Development of Bus Rapid Transit system for Nairobi Metropolitan** area which includes:
  - Develop appropriate BRT infrastructure
  - Develop BRT operations
  - Upgrade the existing road network infrastructure
  - develop/improve non-motorised transport
  - improve traffic management

The exact scope of the project is to be defined commensurate with available financing by development partners and the Government of Kenya. Design work is being undertaken by EU-financed consultants on a part of the intended network. It is expected that the Lead Financing Institution(s) will base itself/themselves on this work when appraising a project and making an application to AfIF.

Preliminarily, the financing of a core bus line (Core Line 3) is foreseen. This line runs from a part of the city that is situated west of the Central Business District (Upper Hill with important facilities for hospitals, public administration, commercial administration and the National Library), passes the Central Business District tangentially on its southern side and then goes to the densely populated and poorer eastern part of Nairobi ending at an important future transport node – Dandora railway station).

This Core Line 3 is well connected with all other BRT bus lines foreseen to be built. It can later be extended both on its east and west side. As mentioned above, demand on this line is expected to be very high.

However, the selection of this line is still indicative and may change as a result of prioritisation decisions by NaMATA, the Government of Kenya and NCC, and/or by
Financing Institutions. Other lines or stretches may eventually be chosen. The exact scope of the intervention will be defined in another Commission decision.

Activities under Result 2:

- **Capacity Development of the urban mobility sector through:**
  - Technical assistance to NaMATA, GoK and NCC, including on public awareness raising and stakeholder involvement and including support for development and implementation of a Sustainable Urban Mobility Plan

**4.3 Intervention logic**

An Urban Mobility Study commissioned in October 2013 revealed that Nairobi’s current congestion issues are estimated to account for economic losses "likely to run into billions of shillings". In the current situation, Nairobi’s workforce are stuck in traffic, with widespread and unpredictable congestion, the large number of pedestrians suffer from a lack of adequate infrastructure and there is generally a lack of a coherent, high quality passenger transport network.

The need to address urban transport inefficiency has been underlined in numerous studies and in the major Kenyan planning documents. Since 2014, a consensus has emerged to focus, as a priority, on moving people in masses through the development of a Mass Rapid Transit system for Nairobi Metropolitan area. Other priorities include: better transport planning including land use planning, enhancing Non-Motorised Transport facilities and improving road safety, improving traffic management and making urban road networks more efficient.

Therefore, following the endorsement of a Mass Rapid Transit system project for Nairobi by the Ministry of Transport and Infrastructure in May 2014, the EU Delegation was requested to finance a design study for two Bus Rapid Transit (BRT) Lines. The detailed design for one core line is ongoing and will be completed by early 2018.

The intervention logic of the action is to leverage EU funds in order to crystallise EFI/IFI loans, Government of Kenya funds and possibly private investment for implementing a concrete investment project that will provide environmentally sustainable and socially inclusive bus rapid transit services (BRT) to citizens of Nairobi and the wider NMA. For such services to be offered, the required infrastructure (dedicated bus lanes, stations, and depots) needs to be built, buses to be procured and the required institutional and organisational framework to be put in place.

The intervention requires improved planning and management of the transport sector in the NMA taking into account gender issues, support for which forms an integral part of the action. Following technical assistance to NaMATA, it is expected that urban mobility plans for the NMA shall be developed to ensure improved planning and management in the sector.

**5 IMPLEMENTATION**

**5.1 Financing agreement**

In order to implement this action, it is not foreseen to conclude a financing agreement with the partner country, referred to in Article 17 of Annex IV to the ACP-EU Partnership Agreement.

**5.2 Indicative implementation period**

The indicative operational implementation period of this action, during which the activities described in section 4.2 will be carried out and the corresponding contracts and agreements

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implemented, is 98 months from the date of adoption by the Commission of this Action Document.

Extensions of the implementation period may be agreed by the Commission’s authorising officer responsible by amending this decision and the relevant contracts and agreements; such amendments to this decision constitute non-substantial amendment in the sense of Article 9(4) of Regulation (EU) 2015/322.

5.3 Implementation of the budget support component

N/A.

5.4 Implementation modalities

5.4.1 Contribution to the Africa Investment Facility (AfIF)

This contribution may be implemented under indirect management with implementing entities, one or more eligible Lead Financial Institutions, and for amounts identified in Appendix 2 of this action document, in accordance with Article 58(1)(c) of Regulation (EU, Euratom) No 966/2012 applicable in accordance with Article 17 of Regulation (EU) /2015/323. The entrusted budget-implementation tasks consist of the implementation of procurement, grants, financial instruments and payments. The entrusted entity shall also monitor and evaluate the project and report on it. The Lead Financial Institution(s) is/are not definitively known at the moment of adoption of this Action Document but are indicatively listed in Appendix 2. A complementary financing decision will be adopted under Article 84(3) of Regulation (EU, Euratom) No 966/2012 to determine the Lead Financial Institutions definitively.

Certain entrusted entities are currently undergoing the ex-ante assessment in accordance with Article 61(1) of Regulation (EU, Euratom) No 966/2012. The Commission’s authorising officer responsible deems that, based on the compliance with the ex-ante assessment based on Regulation (EU, Euratom) No 1605/2002, they can be entrusted with budget-implementation tasks under indirect management.

5.5 Scope of geographical eligibility for procurement and grants

The geographical eligibility in terms of place of establishment for participating in procurement and grant award procedures and in terms of origin of supplies purchased as established in the basic act and set out in the relevant contractual documents shall apply.

The Commission’s authorising officer responsible may extend the geographical eligibility in accordance with Article 22(1)(b) of Annex IV to the ACP-EU Partnership Agreement on the basis of urgency or of unavailability of products and services in the markets of the countries concerned, or in other duly substantiated cases where the eligibility rules would make the realisation of this action impossible or exceedingly difficult.

5.6 Indicative budget

<table>
<thead>
<tr>
<th>Description</th>
<th>EU contribution (in EUR)</th>
</tr>
</thead>
<tbody>
<tr>
<td>5.4.1 Contribution to the African Investment Facility</td>
<td>45 000 000</td>
</tr>
<tr>
<td>5.9 Evaluation, 5.10 Audit</td>
<td>will be covered by another decision</td>
</tr>
<tr>
<td>5.11 Communication and visibility</td>
<td>N.A.</td>
</tr>
<tr>
<td>Contingencies</td>
<td>N.A</td>
</tr>
<tr>
<td><strong>Totals</strong></td>
<td><strong>45 000 000</strong></td>
</tr>
</tbody>
</table>
5.7 Organisational set-up and responsibilities

Activities will be implemented under indirect management by one or more Lead Financial Institutions. Pre-identified potential Lead Financial Institutions include KfW, AFD, or EIB (see Appendix 2).

A steering committee, bringing together representatives from the EU, Financing Institutions, the Kenyan Government, NaMATA, KURA and other stakeholders involved in the project implementation, will be established and meet at least on a bi-annual basis to ensure proper monitoring of all activities of the project.

5.8 Performance monitoring and reporting

The day-to-day technical and financial monitoring of the implementation of this action will be a continuous process and part of the implementing partner’s responsibilities. To this aim, the implementing partner shall establish a permanent internal, technical and financial monitoring system for the action and elaborate regular progress reports (not less than annual) and final reports. Every report shall provide an accurate account of implementation of the action, difficulties encountered, changes introduced, as well as the degree of achievement of its results (outputs and direct outcomes) as measured by corresponding indicators, using as reference the log frame matrix (for project modality). The report shall be laid out in such a way as to allow monitoring of the means envisaged and employed and of the budget details for the action. The final report, narrative and financial, will cover the entire period of the action implementation.

The Commission may undertake additional project monitoring visits both through its own staff and through independent consultants recruited directly by the Commission for independent monitoring reviews (or recruited by the responsible agent contracted by the Commission for implementing such reviews).

5.9 Evaluation

Having regard to the nature of the action, an evaluation will not be carried out for this action or its components.

The Commission may, during implementation, decide to undertake such an evaluation for duly justified reasons either on its own decision or on the initiative of the partner.

The Commission shall inform the implementing partner at least one month in advance of the dates foreseen for the evaluation missions. The implementing partner shall collaborate efficiently and effectively with the evaluation experts and inter alia provide them with all necessary information and documentation, as well as access to the project premises and activities.

The evaluation reports shall be shared with the partner country and other key stakeholders. The implementing partner and the Commission shall analyse the conclusions and recommendations of the evaluations and, where appropriate, in agreement with the partner country, jointly decide on the follow-up actions to be taken and any adjustments necessary, including, if indicated, the reorientation of the project.

The financing of the evaluation shall be covered by another measure constituting a financing decision.
5.10 **Audit**

Without prejudice to the obligations applicable to contracts concluded for the implementation of this action, the Commission may, on the basis of a risk assessment, contract independent audits or expenditure verification assignments for one or several contracts or agreements.

The financing of the audit shall be covered by another measure constituting a financing decision.

5.11 **Communication and visibility**

Communication and visibility of the EU is a legal obligation for all external actions funded by the EU.

This action shall contain communication and visibility measures which shall be based on a specific Communication and Visibility Plan of the Action, to be elaborated at the start of implementation and supported with the budget indicated in section 5.6 above.

In terms of legal obligations on communication and visibility, the measures shall be implemented by the Commission, the partner country, contractors, grant beneficiaries and/or entrusted entities. Appropriate contractual obligations shall be included in, respectively, the financing agreement, procurement and grant contracts, and delegation agreements.

The Communication and Visibility Manual for European Union External Action shall be used to establish the Communication and Visibility Plan of the Action and the appropriate contractual obligations.

Communication and visibility measures will be implemented by the Lead Financial Institution(s) responsible for implementing the respective projects. These measures will be described in the project proposal(s) submitted by the Lead Financial Institution(s) to the African Investment Facility. Care will be taken that substantial visibility will be given to all activities described.
APPENDIX 1 - INDICATIVE LOGFRAME MATRIX (FOR PROJECT MODALITY) 12

The activities, the expected outputs and all the indicators, targets and baselines included in the logframe matrix are indicative and may be updated during the implementation of the action, no amendment being required to the financing decision. When it is not possible to determine the outputs of an action at formulation stage, intermediary outcomes should be presented and the outputs defined during inception of the overall programme and its components. The indicative logframe matrix will evolve during the lifetime of the action: new lines will be added for including the activities as well as new columns for intermediary targets (milestones) for the output and outcome indicators whenever it is relevant for monitoring and reporting purposes. Note also that indicators should be disaggregated by sex whenever relevant.

<table>
<thead>
<tr>
<th>Intervention logic</th>
<th>Indicators</th>
<th>Baselines (incl. ref year)</th>
<th>Targets (incl. ref year)</th>
<th>Sources and means of verification</th>
<th>Assumptions</th>
</tr>
</thead>
<tbody>
<tr>
<td>Overall objective: Impact</td>
<td>To accelerate inclusive economic growth in Kenya through more sustainable and efficient urban mobility</td>
<td>- GDP per capita (nominal)</td>
<td>1 434 USD (2015)</td>
<td>&gt; 5 % CAGR 2015-2030</td>
<td>Ministry of Finance, Ministry of Energy &amp; Petroleum, National Climate Change Response Strategy (NCCRS), National Climate Change Action Plan (NCCAP), and National Adaptation Plan (NAP) M&amp;E Reports</td>
</tr>
<tr>
<td></td>
<td>- Poverty index** EURF L1 I2</td>
<td>39% in 2012</td>
<td>15 % in 2030</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>- Annual per capita energy consumption</td>
<td>155 kWh in 2014</td>
<td>200 kWh in 2020</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>- CO₂ emission at national level*** EURF L1 I21</td>
<td>73 MtCO₂eq (2010)</td>
<td>70% of business as usual case (BAU) in 2030 (BAU 2030: 143 MtCO₂eq)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Specific objective: Outcome</td>
<td>To improve the sustainability and efficiency of urban mobility in Kenya focusing mainly on implementing sustainable transport planning, prioritising public transport and non-motorised transport and optimising the road network.</td>
<td>- Level of emissions from public and private transport in Kenya</td>
<td>6 MT CO₂eq (2010) – projected growth till 2030 in no change scenario: +200%</td>
<td>- 30% in 2030</td>
<td>Stable political and economic climate; absence of major external macro-economic shocks</td>
</tr>
<tr>
<td></td>
<td>- Number of women employed in the public transport sector</td>
<td>To be identified at project submission stage</td>
<td>To be identified at project submission stage</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>- Number of injuries/deaths in traffic accidents</td>
<td>3 000 per year in 2013</td>
<td>&lt; 2 650 per year in 2025</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

12 * Indicators aligned with the relevant programming document and ** indicators aligned to the EU Results Framework
<table>
<thead>
<tr>
<th>Outputs</th>
<th>2017</th>
<th>2023</th>
<th>2024</th>
<th>2025</th>
<th>2024</th>
</tr>
</thead>
<tbody>
<tr>
<td>BRT lines in operation (constructed and used by the public daily)</td>
<td>0 in 2017</td>
<td>1 in 2023</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Further BRT lines under construction</td>
<td>0 in 2017</td>
<td>2 in 2025</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>BRT operators identified</td>
<td>0 in 2017</td>
<td>1 in 2022</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Reduction of average travel time per passenger along selected BRT route</td>
<td>0 in 2017</td>
<td></td>
<td>50% in 2024</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Reduction of emissions by public transport vehicles along selected BRT route</td>
<td>0 in 2017</td>
<td></td>
<td>50% in 2024</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Travel costs reduced for users of selected BRT route</td>
<td>0 in 2017</td>
<td></td>
<td>10% in 2024</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Number of safety incidents reported to police on public transport in NMA affecting women (as a percentage of overall safety incidents).</td>
<td>(To be identified at project submission stage)</td>
<td>(To be identified at project submission stage)</td>
<td>(To be identified at project submission stage)</td>
<td>(To be identified at project submission stage)</td>
<td>(To be identified at project submission stage)</td>
</tr>
<tr>
<td>Increased percentage of users feeling safe or very safe using BRT compared to existing public transport (gender disaggregated data).</td>
<td>(To be identified at project submission stage)</td>
<td>(To be identified at project submission stage)</td>
<td>(To be identified at project submission stage)</td>
<td>(To be identified at project submission stage)</td>
<td>(To be identified at project submission stage)</td>
</tr>
<tr>
<td>Increased percentage of urban population using public transport services on BRT line (gender disaggregated data)</td>
<td>(To be identified at project submission stage)</td>
<td>(To be identified at project submission stage)</td>
<td>(To be identified at project submission stage)</td>
<td>(To be identified at project submission stage)</td>
<td>(To be identified at project submission stage)</td>
</tr>
<tr>
<td>Number of women employed on selected BRT line / number of women in management position</td>
<td>0 in 2017</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Ministry of Transport and Infrastructure, NaMATA, NEMA, Evaluation studies

Effective coordination between relevant government agencies/Ministries
<table>
<thead>
<tr>
<th>Result 2 - Improved planning and management of the transport sector in the NMA, taking into account gender issues</th>
<th>Km of non-motorised transport facilities constructed along the BRT line</th>
<th>~13 km in 2022</th>
</tr>
</thead>
<tbody>
<tr>
<td>- Number of Sustainable Urban Mobility Plans developed for NMA</td>
<td>1 in 2017</td>
<td></td>
</tr>
<tr>
<td>- Number of Sustainable Urban Mobility Plans developed for Nairobi Metropolitan Area which include a gender action plan</td>
<td>1 in 2017</td>
<td></td>
</tr>
<tr>
<td>- Multimodal transport model for NMA</td>
<td>0</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>1</td>
</tr>
<tr>
<td></td>
<td></td>
<td>(To be identified at project submission stage)</td>
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<tr>
<td></td>
<td></td>
<td>(To be identified at project submission stage)</td>
</tr>
<tr>
<td></td>
<td></td>
<td>1</td>
</tr>
<tr>
<td></td>
<td></td>
<td>NMA County governments, NaMATA</td>
</tr>
<tr>
<td></td>
<td></td>
<td>NMA County governments, NaMATA</td>
</tr>
<tr>
<td></td>
<td></td>
<td>NaMATA</td>
</tr>
</tbody>
</table>

NMA counties have competent transport management capacity and receive sufficient funds.
APPENDIX 2 - INDICATIVE PROJECT PIPELINE
Nairobi Bus Rapid Transit Line 3 – in particular Core Line 3

| Project description | Contribution to the implementation of Nairobi Bus Rapid Transit (Core) Line 3 project. Nairobi Bus Rapid Transit (Core) Line 3 project includes:  
| | • construction of BRT infrastructures (including BRT dedicated lanes, stations, workshops and depots, structures and bridges, junctions signalization, feeder bus stations, ticketing, information and security systems)  
| | • construction of non-BRT transport infrastructure along the corridor (including general traffic lanes, Non-Motorised Transport facilities, public spaces);  
| | • purchase of bus fleet;  
| | • Institutional Support component targeting inter alia BRT operation. |

| Estimated total amount | Total project: Estimated amount: EUR 300 million  
| | • Components to be funded by 11th EDF: Estimated amount: EUR 45 million  
| | • Components to be funded under the AfIF by Financial Institutions  
| | EIB estimated contribution: EUR 50 million  
| | KfW estimated contribution (incl. NaMA grant): EUR 80 million  
| | AFD estimated contribution: EUR 50 million  
| | Other FI or additional amount by one of the above: EUR 20 million  
| | • Government/NaMATA component: Estimated amount: EUR 55 million |

| Financial partners | Potential Lead Financial Institution(s) for the AfIF component: KfW, AFD or EIB. Other potential Financial Partners: AfDB (also potential Lead Financial Institution), Government of Kenya. |

| Preparedness | Detailed design study including environmental and social impact surveys, economic and financial return assessments as well as tender documents prepared to the level of ‘final draft’. |

| Preliminary timing | Submission of the project by the Lead Financial Institution to the AfIF TAM: S1 2018  
| | Signature of Agreement with the Lead Financial Institution: Q1 2019  
| | Beginning of works: S1 2020  
| | End of works: S2 2023 |
**Other Nairobi Bus Rapid Transit Line Projects**

Other BRT Lines could alternatively be considered for financing: –

- **Line 1, JKIA turn off to Likoni (Lot 1) Likoni to James Gichuru (Lot 2); extension**
  
  (One of these lots is likely to be financed by World Bank; the other one might be financed by AfDB.)

- **Line 2, Langata –Thika**
  
  (There is an initial South African financing interest.)

- **Line 4, West (Mbagathi) and East (Jogoo road)**
  
  AfDB financed a preliminary design study for Line 4 East; Line 4 West is part of the EU's design consultancy

- **Line 5, Outer Ring road.**