

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

SEVENTEENTH CONGRESS
First Regular Session

HOUSE BILL NO. 263



Introduced by **HONORABLE LUIS RAYMUND F. VILLAFUERTE, JR.**

EXPLANATORY NOTE

Mobility is rapidly increasing yet our transportation systems have almost remained the same. It is crucial for the government to work out ways to improve, control and plan transportation in order to improve the people's welfare.

Indeed, our nation's very roads provide a visual representation of our worsening and intertwined problems such as climate change, air pollution, rising costs of gasoline and other commodities, health problems, and other related social issues. These are most evident when congestion happens during rush hours and heavy rains.

This bill seeks to introduce a rather simple approach to our road problems: the promotion of bicycle friendly communities.

The increasing use of motorized transport not only leads to road congestion but also to a corresponding increased demand for parking facilities. On the other hand, cycling is far more economical both in terms of direct user costs and public infrastructure costs.

Promotion of bicycle use ultimately translates to significantly reduced carbon emissions of the country because the only energy cycling requires is provided directly by the traveler, and the very use of that energy offers valuable cardiovascular exercise.

Rapidly increasing urbanization brings the urgent necessity to think about alternative transport concepts. Infrastructures can only be enlarged to a certain level because of the growing density of the population in cities. There is therefore a need to find creative ways, ideas and concepts for efficient and effective use of infrastructures.

Creation of proper infrastructure is therefore very crucial in establishing and promoting bicycle friendly communities. Without it, biking on Philippine roads, which is dominated by motor vehicles, also remains hazardous to the cyclist.

Establishing bike lanes would empower citizens by providing them with a concrete alternative means of commuting. The integration of bicycling into the country's transport system and city planning would ensure that the program becomes more permanent.



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**AN ACT TO ESTABLISH AND INTEGRATE BICYCLE LANES IN THE
PHILIPPINE TRANSPORTATION SYSTEM**

Be it enacted by the Senate and the House of Representatives of the Philippines in Congress assembled:

SECTION 1. Short Title. - This Act shall be known as the "Bike Lanes Act of 2016."

SECTION 2. Declaration of Policy. - In conformity with the provisions of the Constitution to promote the general welfare and social justice in all phases of national development, protect and advance the right of the Filipino people to a balanced and healthful ecology in accord with the rhythm and harmony of nature, and to co-serve and develop the patrimony of the nation, the State hereby adopts the following policies:

a.) The State shall protect the welfare and safety of the commuting public and all road users;

b.) The State shall promote a shift towards a safe, collective, efficient, non-congestive, non-pollutive, and healthful locomotion and transportation system that includes the use of bicycles;

c.) The State shall ensure that the needs and safety of all road users, particularly the pedestrians and cyclists, are fully integrated into the planning, design, operation, and maintenance of the country's transportation system; and

d.) The State shall establish its plans and programs in conformity with the overall national land use plan as well as the local comprehensive land use plans.

SECTION 3. Definition of terms. - For purposes of this Act, the term –

- A. "Bike" or "Bicycle" means a non-motorized vehicle consisting of a light frame mounted on two wire-spoked wheels one behind the other and having a seat, handlebars for steering, brakes, and two pedals;
- B. "Cyclist" means a person who rides a bicycle;
- C. "DOTr" means the Department of Transportation;
- D. "Secretary" means the Secretary of the Department of Transportation;
- E. "DPWH" means the Department of Public Works and Highways;
- F. "NEDA" means the National Economic Development Authority;
- G. "DEPED" means the Department of Education;
- H. "CHED" means the Commission on Higher Education;
- I. "MMDA" means the Metropolitan Manila Development Authority;
- J "DENR" means the Department of Natural Resources;
- K. "SURP" means the University of the Philippines School of Urban and Regional Planning; and
- L. "ULAP" means the Union of Local Authorities of the Philippines.

SECTION 4. Bike Transport Action Plan. - The DOTr in coordination with the DPWH and NEDA, shall come up with a Bike Transport Action Plan within six (6) months from the passage of this law. It aims to provide a roadmap for national and local bicycle transportation system to be adhered to at all levels throughout the country.

The Bike Transport Action Plan shall include strategies, construction and maintenance of bicycle lanes, parking, and support facilities, and will set out the actions required to achieve the mode shift target over a certain period of time as identified by DOTr, DPWH and NEDA.

SECTION 5. Bike Lanes. - There shall be designated bicycle lanes, as identified in the Bike Transport Action Plan, which shall serve as exclusive access for bicycle riders. Motor vehicles are prohibited from being driven or parked on any bike lane.

The bike lanes shall be made of bike-friendly material or such other material as shall be identified by the DOTr.

The bike lanes shall be separated by a physical barrier and shall be clearly identified with signs and/or pavement markings. In cases where the installation of a physical barrier is not feasible, the lane for bicycles shall be identified through reflectorized yellow painted lines.

Bike lanes must never compromise the mobility and safety of pedestrians.

Cyclists shall be required to bike within the lanes, unless no bike lanes have been designated on such roads yet. Cyclists must obey all traffic rules and regulations except those which are not applicable to bicycles.

SECTION 6. Bike Parking. - All public places, government offices, schools, major business establishments, including malls, banks, restaurants, hospitals, and the like, are hereby required to provide bicycle racks for bike parking.

Bike parking should be secure, visible, accessible, and not in the way of pedestrians or motor vehicles.

SECTION 7. Bike Infrastructure. - In addition to the bike lanes and bike parking, support facilities shall be established to ensure that cyclists and their bicycles can travel safely and to lessen the possibility of collisions with pedestrians. These facilities include, but are not limited, to the following:

- A. Sidewalk improvements;
- B. Traffic calming and speed reduction improvements;
- C. Pedestrian and bicycle crossing improvements;
- D. Traffic signage pertaining to bicycles;
- E. Off-street pedestrian and bicycle facilities; and
- F. Traffic diversion improvements; and

SECTION 8. Educational Program. - The Secretary, in cooperation with DEPED, CHED, and local governments, shall establish an educational program to increase awareness on bike safety and road sharing. The program shall be designed for traffic enforcers, motorists, cyclists, and the commuting public. The program shall include:

- A. Traffic education and enforcement;
- B. Motorist Awareness and Road-Sharing; and
- C. Bicycle and pedestrian safety.

SECTION 9. Carless Day. - To promote the use of bicycles, the country shall participate in the annual celebration of World Car-Free Day every second Sunday of September.

The country shall also observe the second Sunday of April as the National Car-Free Day.

The Secretary is hereby mandated to determine the primary and secondary roads to be carless during these annual celebrations.

SECTION 10. Tax Incentives. –

1) Subject to Section 11 of this Act on Substantiation, employees who shall regularly and mainly use bicycles as means of transport to and from their places of work shall be entitled to an annual tax deduction of Two Thousand Five Hundred Pesos (PhP2,500.00) from their gross income. The said tax deduction shall be reviewed and updated every three years by the Department of Transportation.

2) Expenses incurred by employers or schools in providing their employees or students by way of benefits, bicycles, eligible equipment, and bike-friendly facilities shall be deductible in full from their gross income.

3) Expenses incurred by companies, business establishments, and other institutions as a result of their bike-friendly programs and facilities shall be deductible in full from their gross income.

4) Bicycles granted by employers to its managerial and supervisory employees in compliance with this Act shall not be taxable as fringe benefits as provided under Republic Act No. 8424.

SECTION 11. Substantiation Requirements. - For purposes of this Act, the qualified persons, companies, institutions desiring to avail of the benefits of this Act shall substantiate their claim for incentives with sufficient evidence, such as logbook entries, official receipts, affidavits or other adequate records.

SECTION 12. Penalties. –

A. Any person or establishment who violates the provisions of this Act shall be punished by a fine not exceeding one thousand pesos (P 1,000.00). When the offender is a corporation, the officers responsible for the violation shall be meted said penalties.

B. Any public works official who fails or refuses to mark the existing main roads and highways or approve the construction of main roads or highways without the required bicycle lanes in their designs shall be punished by a fine of not less than ten thousand pesos (P10,000.00) nor more than thirty thousand pesos (P30,000.00) or suspension, or both, if found guilty in an appropriate administrative investigation.

SECTION 13. Implementing Rules and Regulations. - Within sixty (60) days after this Act takes effect, a committee shall be created to formulate the implementing rules and regulations of this Act. The committee shall be composed of the following:

A. The Secretary, or an authorized representative, who shall serve as chair of the committee;

B. A representative from the DPWH;

- C. A representative from the DENR;
- D. A professor from SURP;
- E. Two (2) representatives from various bicycle organizations;
- F. A representative from the MMDA; and
- G. LGU representative through ULAP.

Within six (6) months after this Act takes effect, the Secretary shall promulgate and disseminate the implementing rules and regulations.

SECTION 14. Appropriation. - To carry out the provisions of this Act, such amount as may be necessary is hereby authorized to be appropriated from the National Treasury.

Thereafter, the amount necessary for the continuous operation of the bike lanes shall be included in the annual appropriation of the DOTr.

SECTION 15. Financing. - The DOTr, in coordination with the DENR, shall explore the possibility of accessing a growing range of global environment funds in order to be able to assist in the funding of sustainable public transport systems and less polluting energy supplies. Public-private partnerships shall also be encouraged in the development of transportation improvements.

SECTION 16. Separability Clause. - If any provision or part hereof is held invalid or unconstitutional, the remainder of the law or the provision not otherwise affected shall remain valid and subsisting.

SECTION 17. Repealing Clause. - Any law, presidential decree or issuance, executive order, letter of instruction, administrative order, rule or regulation contrary to or is inconsistent with the provision of this Act is hereby repealed, modified, or amended accordingly.

SECTION 18. Effectivity Clause. - This Act shall take effect fifteen (15) days after its publication in at least two (2) newspapers of general circulation.

Approved,