Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City
EIGHTEENTH CONGRESS
First Regular Session
HOUSE BILL NO. 4705

Introduced By Representative ALLAN BENEDICT S. REYES

EXPLANATORY NOTE

According to the 2018 World Health Organization ("WHO") Global Status Report on Road Safety, about half of the number of road traffic deaths in the Philippines involved vulnerable road users such as motorcyclists, cyclists and pedestrians. In the same report, it said that there was an estimated 12,690 road traffic deaths in the Philippines in 2016. It also identified road traffic injuries as the leading killer of children and young people aged 5 to 29 around the world.

In a study conducted by the Centre for Livable Cities ("CLC") in Singapore, it said that "where the first storey does not offer a safe and accessible walking environment or where there is poor or limited pedestrian infrastructures, elevated pedestrian networks add value." The same study also mentioned the benefits it has contributed in countries where it is widely used namely, Hong Kong, Malaysia, London and Bangkok. It added that elevated pedestrian walkways offer better point-to-point connectivity and increased comfort especially at crossings of wide, high-speed roads. They also supplement a street-level system where pedestrian activities and building densities are high.

Thus, in order to promote and institutionalize elevated walkways, this Representation seeks to file the counterpart measure of Senate Bill No. 903 authored by the Hon. Grace Poe in the House of Representatives.

In view of the foregoing, passage of this counterpart bill is earnestly sought.

HON. ALLAN BENEDICT S. REYES
Representative
3rd District, Quezon City
Republic of the Philippines
HOUSE OF REPRESENTATIVES
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HOUSE BILL NO. 4705

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AN ACT
TO ENSURE EASIER COMMUTING BY ESTABLISHING A NETWORK OF SUSTAINABLE ELEVATED WALKWAYS ALONG ALL MAJOR PUBLIC THOROUGHFARES IN HIGH DENSITY URBAN AREAS, ESTABLISHING APPROPRIATE INFRASTRUCTURE AND FACILITIES, APPROPRIATING FUNDS THEREFOR AND FOR OTHER PURPOSES

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

SECTION 1. Short Title. - This Act shall be known as the "Sustainable Elevated Walkways Act."

SECTION 2. Declaration of Policy. – It is the policy of the State to establish a sustainable network of safe, secure, comfortable and aesthetically pleasing elevated pedestrian walkways which separate pedestrians from vehicular movement, link pedestrians to public transit, integrate human activity with the built environment and allow for a continuous flow of movement, without interruption from vehicular traffic, stop lights and pollution.

It is likewise a policy of the State to establish elevated pedestrian networks that are fully sustainable on all accounts, that is, socially, economically and environmentally, to achieve a well-connected quality of life above the ground layer. High density, connectivity and quality of life comprise the three topmost elements in maintaining a sustainable elevated walkways system.

Towards this end, the State shall promote the use of sustainable elevated walkway networks and walkway facilities through a comprehensive elevated walkway program. The State shall ensure that the needs and safety of all pedestrians are fully integrated into the planning, design, operation and maintenance of the country’s areal walkway networks.

SECTION 3. Elevated Walkways. – There shall be designated elevated walkways in all major public thoroughfares in high density urban areas, consisting of enclosed or covered footbridges serving as exclusive access-ways for pedestrians, under the parameters set forth in this Act.

Elevated walkways which utilize air rights above the road rights-of-way (RROWs), being part of the public domain, shall be considered public spaces. Motor and non-motor vehicles are prohibited from being driven or parked on all such walkways.
The design, purposes and specifications of elevated walkways to be established under this Act shall be governed by the following standards:

(a) Continuous flow- Elevated walkways must maintain a continuous flow of pedestrian movement throughout the day and night, allowing pedestrians to move freely without vehicular congestion and interruptions from traffic lights and intersections. Way-finding provisions and directional signage's shall facilitate flow within the system;

(b) High density- The design and location of elevated walkways must maximize the use of high density areas in order to relieve pressure from overcrowded streets by catering to the largest percentage of pedestrians throughout urban areas at any given time, displacing ground-level pedestrian movement to several levels and enhancing movement within city centers;

(c) Temperature control- Elevated pedestrian routes must provide climatically controlled continuous spaces, provide relief from extreme temperatures associated with hot, humid and wet climates, distance pedestrians from vehicular contact and adopt measures that maximize the use of shaded, cool, open-air zones. Both passive cooling techniques and artificial ventilation devices shall be used in a sustainable manner;

(d) Connectivity – Elevated walkways must be interlinked in a manner that connects pedestrian movement to retail, residential, commercial and business activities, as well as adopt essential access points that facilitate pedestrian entry to and exit from ground (grade) level walkways;

(e) Safety – Elevated walkways must directly address issues of pedestrian safety, including the separation of pedestrians from vehicular traffic, exposure to natural hazards and compliance with disaster resilience and mitigation standards;

(f) Environmental Sustainability – The Program must maintain adequate spatial standards between the existing environment and all urban intervention under this Act; address potential ground floor decay and abandoned space; provide necessary safeguards and protection to walkway users who will be exposed to both air and noise pollution and establish public address systems designed to warn all users of encountering such pollution upon entering and using the walkways. Energy and water conservation as well as solid waste management shall be the key sustainability features of the system;

(g) Social Inclusivity – Elevated walkway networks must be socially inclusive by addressing potential social separation caused by the introduction of aerial walkways in areas of different income classes and by accommodating persons with disability (PWDs) through the installation of structural and vertical access facilities that reasonably enhance their mobility consistently with existing disability laws, including, without limitation, B. P. Big. 344, otherwise known as the Magna Carta for Disabled Persons;
(h) **Right-of-Way Interfacing** – The design and establishment of elevated walkways must consider affected portions of the road right-of-way and other key portions of the public domain. Of particular importance are the interfaces with grade level sidewalks allotted for exclusive use by pedestrians, for elevated walkway supports/foundation and for the vertical access system; air rights directly above the sidewalks; required space for connectors that shall utilize air rights above the carriageway portion allotted for the exclusive use of vehicles using the road right-of-way; connection of air rights above the sidewalks at opposite sides of the road right-of-way; legal easements and their air rights along waterways in a manner that would enable such easements to host elevated walkways consistent with of P. D. No. 1067 (s. 1976), otherwise known as the Water Code and R. A. No. 10752, otherwise known as the “The Right-of-Way Act”.

(i) **Vertical Access System** – As elevated walkways may have finished floor elevations above sidewalk surfaces, vertical access systems shall be established to connect the walkways to ground level pedestrians. Vertical access systems established under this Act shall include, without limitation, elevators, stairs and escalators that shall be gender-sensitive, socially-inclusive, elongated and appropriately sloped and constructed in a manner that will not unduly constrict connecting sidewalks. Sidewalks adjacent to elevated walkways shall give way to pedestrian drop-off areas catering to public transport commuters and private vehicle riders who desire to avail of vertical access systems to reach elevated walkway systems;

(j) **Support facilities** – Elevated walkway systems shall include the construction and maintenance of support facilities, such as bicycle parking lots, adequate lighting, crime prevention facilities and well-lit patrolling space for law enforcement personnel, closed-circuit television (CCTV) camera systems, access to restrooms and adequate drainage. The maintenance of pedestrian infrastructure and functional public spaces above the street level shall be a requisite for sustainable elevated walkways;

(k) **Active policing** – Elevated walkway networks established under this Act must provide for the administration of active policing and law enforcement coordination to prevent obstructions and nuisances;

(l) **Adaptability to future technology** – Elevated walkway structures shall be designed in ways that will render them adaptable to future technology and technological capacity, including the capacity to be later fitted with walkalators to increase pedestrian capacity; and

(m) **Expandability** – Elevated walkway networks must provide for both horizontal and vertical expandability to accommodate increases in capacity.

**SECTION 4. Sustainable Elevated Walkway Program.** – The Department of Public Works and Highways (DPWH) shall establish a comprehensive sustainable elevated walkway program (“the Program”) to promote the establishment and use of sustainable networks of aerial pedestrian walkways along EDSA and major public thoroughfares in high density urban areas throughout the country. This Program shall be governed by the key indicators and standards set forth in the preceding section and in the provisions of
this Act.

To promote the objectives of this Act, the DPWH, in cooperation with the Department of Education, the Commission on Higher Education and affected local governments, shall establish educational and awareness programs on elevated walkway safety and use, general pedestrian safety, pedestrian infrastructure, health benefits, quality of life and social and economic benefits of aerial walkways.

SECTION 5. Prohibited Acts. — The use of elevated walkways and vertical access systems for commercial and personal purposes shall be prohibited. Such prohibited acts include but are not limited to the following:

(a) Driving or parking motor and non-motor vehicles on all such walkways, including its vertical access points and drop-off areas;

(b) Alms or donation-seeking activities;

(c) Doing house chores such as washing clothes, hanging clothes and bathing;

(d) Repair of vehicles of all types;

(e) Dumping garbage;

(f) Sports, games and amusements;

(g) Use of walkway to instill pens or animals or keep animals in chains or tether;

(h) Holding picnics/gatherings or storage of foodstuffs and beverages for such Gatherings;

(i) Drinking liquor;

(j) Storing of junks and recyclable materials;

(k) Storage of construction materials for sale (pipes, tubing’s, lumber, cement and the like);

(l) House extension or stall/store extension including installation of roofs or Awnings;

(m) Installation of temporary or permanent fences;

(n) Use of walkways for plants, trees and plant boxes;

(o) Signs or signboards above sidewalks and detached from the business Establishments;

(p) Any other purpose which violate the standards enumerated in Section 3.
SECTION 6. Obstructions as nuisance per se. – Without prejudice to the
prosecution of prohibited acts defined under the immediately preceding section, all
obstructions along elevated walkways are hereby presumed or declared nuisances per
se and as such, are subject to summary abatement without need of judicial proceedings.

Obstructions include any structure, permanent or otherwise, movable or
immovable, erected along, standing on, abutting or in any manner impeding safe
and convenient passage through any elevated walkway; Provided, That property
of the government including structures erected or installed for the purpose of
regulating the flow of traffic shall not be deemed obstructions.

SECTION 7. Penalties. – The principal penalty for any violation of the
provisions of this Act or its implementing rules shall be summary abatement,
dismantling, forfeiture and disposal of the obstruction to the walkway.

In addition, any person, corporation, trust, firm, partnership, association or
entity found violating this Act or the rules and regulations promulgated hereunder
shall be punished by a fine not less than Three Thousand Pesos (P3,000.00)
which shall accrue to the National Treasury, or imprisonment of not more than 30
days, or both, at the discretion of the court. When the offender is a juridical entity,
the officers or agents responsible for the violation shall be meted with said
penalties.

Any officer of the duly designated enforcement agency who neglects or fails
to enforce the provisions of this Act shall be administratively liable and in addition,
punished by a fine of not less than Twenty Thousand Pesos (P20,000.00), without
prejudice to the filing of other appropriate administrative charges.

The Secretary may enlist the assistance of other departments or
government agencies to carry out this section.

SECTION 8. Implementing Rules and Regulations. – Within thirty (30) days after
this Act takes effect, a committee composed of the following members shall be created
to formulate the draft implementing rules and regulations of this Act:

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

b.) A representative from the Department of Transportation;

c.) A representative from the Department of Budget and Management;

d.) A representative from the National Economic and Development Authority;

e.) A representative from the Department of Environment and Natural Resources;

f.) A representative from the Metro Manila Development Authority;

g.) A professor from the University of the Philippines School of Urban and
Regional Planning;

h.) Two (2) representatives from non-government organizations which advocate for alternative modes of transportation; and

(i.) Other representative of concerned entities and organizations as determined by the committee as members.

Upon the release and consideration of the above draft implementing rules and regulations and in no case beyond six (6) months after this Act takes effect, the Secretary of DPWH shall promulgate and disseminate the implementing rules and regulations.

SECTION 9. Appropriations. – 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 Program shall be included in the annual appropriation of the DPWH.

SECTION 10. Separability Clause. – If any provision of this Act is declared unconstitutional or invalid, other parts or provisions hereof not affected thereby shall continue to be in full force and effect.

SECTION 11. Repealing Clause. – Any law, presidential decree or issuance, executive order, letter of instruction, administrative order, rule or regulation contrary to or in inconsistent with the provision of this Act is hereby repealed, modified, or amended accordingly.

SECTION 12. Effectivity Clause. – This Act shall take effect fifteen (15) days after its publication the Official Gazette or in the two (2) national newspaper of general circulation.

Approved,