

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

FIFTEENTH CONGRESS

First Regular Session

House Bill No. 4785

Introduced by: Representative Emi Calixto-Rubiano

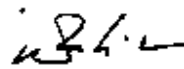
Explanatory Note

Under Sections 15 and 16, Article II on Declaration of Principles and State Policies of the 1987 Constitution, it provides that "the State shall protect and promote the right to health of the people and instill health consciousness among them." "The State shall protect and advance the right of the people to a balanced and healthful ecology in accord with the rhythm and harmony of nature."

It is to be stressed that the advantages of using a bicycle as an alternative means of transport far outweigh the use of a motorized vehicle. Aside from its health and physical rewards from exercise and relieving stress, the use of bicycle does not only consume fossil fuels but will definitely decongest traffic in the metropolis. However, not only proper infrastructure is needed, but foremost is the framework that will implement the bicycle program that is vital for its successful implementation.

In this regard, this proposed legislation establishes a bikeway office, enumerating therein the specific powers and mandate of the said office. It defines the duties and obligations of the bicycle riders and certain restrictions imposed on them. It also includes a provision on infrastructure relative to the construction and maintenance of bicycle lanes.

In view of the foregoing, the passage of this measure is earnestly requested.


EMI CALIXTO-RUBIANO
Representative
Lone District of Pasay City

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AN ACT
DEFINING THE DUTIES AND OBLIGATIONS OF BICYCLIST,
ESTABLISHING A LOCAL BIKEWAYS OFFICE,
PROVIDING INFRASTRUCTURE IN RELATION THERETO
AND PRESCRIBING PENALTIES FOR VIOLATIONS THEREOF

Section 1. *Short title.* This Act shall be known as the “**Bicycle Act of 2011**”.

Section 2. *Declaration of Policy.* It is hereby declared the policy of the State to protect and promote the right to health of the people and instill health consciousness among them. The State shall protect and advance the right of the people to a balanced and healthful ecology in accord with the rhythm and harmony of nature.

Section 3. *Definition of Terms.* For the purposes of this Act, the following terms are defined, thus:

- a. “Bicycle” refers to a two tandem wheeled vehicle propelled solely by human power having a seat height of 25 inches or more when the seat is adjusted to its lowest possible position;
- b. “Local Bikeways Office” refers to the administrative office created herein that administers, regulates and implements rules in accordance with this Act. It is under the administration and supervision of the local government unit concerned particularly, the Office of the City or Municipal Engineer;
- c. “Bicycle Riders” refers to the bicyclist / cyclist or the driver of the two wheeled vehicle / bicycle; and
- d. “Bicycle Lane” means any longitudinal strip that is designated for the use and passage of the bicycle.

Section 4. *Creation of a Bikeway Office.* – Under the provisions of this Act, a Local Bikeway Office (LBO) is hereby created under the administration and supervision of the local government unit concerned particularly, the Office of the City or Municipal Engineer. Provisions for bicycle lanes or the so-called “bikeways” shall be established in all main thoroughfares, and roads to be identified by the said local bikeway office created under this Act.

Section 5. *Powers and Functions of Local Bikeway Office (LBO).* The Office of the Local Bikeways shall have the following powers and functions:

- a. prepares plans, specifications, and manages construction of bikeway projects on all thoroughfares, and roads covered within the jurisdiction of the said local government unit concerned;
- b. responsible for project development, management, and/or implementation of a bikeway project and roadmap in coordination with the Department of Public Works and Highways and other government agencies concerned;
- c. establishes partnerships with local or foreign organizations to carry out provisions of this Act in facilitating an easy bicycle access and network;
- d. conducts information drives in coordination with Department of Land Transportation and Communication on the advantages of using bicycles;
- e. causes the registration of all bicycles operating within the bikeways and determines the manner of registration therein; and
- f. establishes and maintain a bicycle registry or database relative to its mandate of crafting a manual and a system of operational procedures.

Section 6. *Duties and Obligations of Bicycle Riders.* Bicycle Riders shall have the following duties and obligations:

- a. Every person riding a bicycle on a bikeway is granted all the rights and subject to all of the duties of the motor vehicle driver except those that by its nature are not applicable;
- b. Cyclist can ride on any road or street designated as a bikeway except on highways and/or where signs prohibit them from using their bicycles;
- c. Cyclist when riding at night shall equip their bicycles with reflective material visible from both sides, a white front headlight and a red rear reflective light;
- d. Cyclist shall see to it that their bicycle must have brakes capable of making the bike stop on dry, clean, and level pavement when applied by the cyclist; and

- e. Cyclist while riding must always wear appropriate helmet with the chin strap firmly fastened; and
- f. Cyclist shall use appropriate hand and arm signals mentioned in Section 8 herein.

Section 7. *Restrictions on Bicycle Riders.* The following restrictions are imposed on bicycle riders:

- a. Cyclist may not ride anywhere other than upon the actual bicycle seat;
- b. Cyclist shall not carry in their bicycle more persons than it is designed and equipped to carry;
- c. Cyclist shall not carry any package, bundle, or article that prevents the bicyclist from keeping both hands on the handle bars unless said package or article is in a basket, rack or trailer designed for the purpose; and
- d. Cyclist shall see to it that his/her bicycle shall be parked only on specifically designated parking areas for bicycles and no person shall leave a bicycle lying on its side on any sidewalk, or shall park a bicycle on a sidewalk in any other position, so that there is not an adequate path for pedestrian traffic.

Section 8. *Hand and Arm Signals.* Appropriate hand and arm signals shall be given in the following manner:

- a. Left turn - hand and arm extended horizontally beyond the side of the bicycle.
- b. Right turn - left hand and arm extended upward beyond the side of the bicycle or right hand and arm extended horizontally to the right side of the bicycle.
- c. Stop or sudden decrease of speed signal - left hand and arm extended downward beyond the side of the bicycle.

Section 9. *Establishment of Bicycle Parks.* Cities and Municipalities shall establish in their respective jurisdiction a bicycle park limited to the enjoyment and use of bicycles, for its parking areas and other similarly related activities.

Section 10. *Use of Bicycle Lanes.* Any person operating a bicycle shall obey traffic regulations, signs and other control devices applicable to vehicles, unless directed otherwise by a police officer. The rider or user of the bicycle shall operate his/her bicycle only upon a designated bikeway lane and shall remain inside said lane exercising utmost due care and diligence.

Section 11. *Penalties.* - Any person who violates any provisions of this Act shall be penalized with a fine of not less than One Thousand Pesos (PhP1,000.00) but not more than Two Thousand Pesos (PhP2,000.00). In case of violation therein causes damage to property and/or injury to persons, the pertinent provisions of the Civil Code of the Philippines and the Revised Penal Code shall be applicable.

Section 12. *Implementing Rules.* One month after the enactment of this Act, the Department of Transportation and Communications (DOTC), the Land Transportation Office (LTO), the League of Cities and/or Municipalities in consultation with concerned Non-Government Organizations and People's Organizations shall promulgate the implementing rules and regulations (IRR) for the effective implementation of this Act.

Section 13. *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 14. *Repealing Clause.* – Any law, presidential decree or issuance, executive order, letter of instruction, administrative order, rule or regulation contrary to or inconsistent with the provisions of this Act is hereby repealed, modified, or amended accordingly.

Section 15. *Effectivity Clause.* – This Act shall take effect fifteen (15) days after its publication in the Official Gazette or in at least two (2) newspapers of general circulation.

Approved.