

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

SIXTEENTH CONGRESS
Second Regular Session

HOUSE BILL NO. **5035**



INTRODUCED BY HONORABLE GAVINI "Apol" C. PANCHO

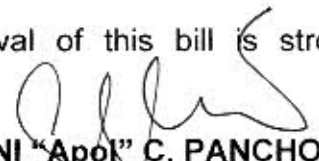
EXPLANATORY NOTE

It is the declared policy of the State to ensure an improved quality of life for all through continuing efforts to improve physical structures in our communities. This underscores the fact that mere presence of infrastructure is not relevant if the availability or accessibility of services to users is impeded due to congestion or severe deterioration. More critically, the quality and efficiency of the existing infrastructure must be examined because infrastructure's actual contribution to economic development is through improvement in the quality of life and its positive effects on private sector output and productivity.

Efforts of the State therefore to protect public health and safety, particularly of our pedestrians, should always be integrated in the policies and plans of our national and local governments. This includes making sure that our public structures like pedestrian overpasses provide for the safety, convenience, visibility, shelter and shade, attractive and clean environment for pedestrians.

Currently there is no national legislation to address this important concern. This bill seeks to address this need and help guarantee that our pedestrians will not only become safe from vehicular traffic, but also from inclement weather and other hazards and nuances to improve the general quality of life of our citizens.

With this purpose in mind, the immediate approval of this bill is strongly requested.


GAVINI "Apol" C. PANCHO
Representative
2nd District, Bulacan

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AN ACT REQUIRING ALL PEDESTRIAN OVERPASSES TO BE MADE CLIMATE CHANGE FRIENDLY, AND PROVIDING PENALTY FOR VIOLATION THEREOF;

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

SECTION 1. Short Title. --- *This Act shall be known as “Pedestrian Overpass Act of 2014”.*

SECTION 2. Declaration of Policy. *It is hereby declared that:*

The State shall pursue a policy to protect and promote the rights of the people to health, a balanced and healthful ecology and instill health consciousness among them. It shall pursue a policy of sustainable development, balancing progress, the protection of the environment, and the health and welfare of its people. This includes recognizing the mandate of the State provide public structures to protect the welfare and safety of the commuting public, all road users and pedestrians from all road hazards and inclemency of weather.

Towards this end, the State shall require that all pedestrian overpasses shall be properly constructed to address protection of the public from inclement weather and guarantee the safety of pedestrians using the facility.

SECTION 3. Definition of Terms.

“Approved Budget for the Contract” refers to the budget for the contract duly approved by the Sanggunian in the case of LGUs. “Approved Budget for the Contract”, and “Approved Budget” shall have the same meaning and shall be used interchangeably.

"DPWH" means the Department of Public Works and Highways which maintains exclusive control over national RROWs.

"Intersections" are common surface areas or spaces shared by two (2) or more national RROWs, similar ROWs or legal easements or a mix of such public spaces, which form part of the public domain.

"IRR" means the Implementing Rules and Regulations.

"LGU" means the Local Government Unit (LGU) as defined under RA. No. 7160, otherwise known as the 1990 Local Government Code.

"Lighting System" means the luminaries/ complete lighting units, power source and connections, controls and all support structures/ devices that ensure the continuous illumination of a display.

"Pedestrian" shall mean any person who is afoot or who is using a wheelchair, roller skates, skateboards or a means of conveyance propelled by human power other than a bicycle.

"Pedestrian Overpass" means any portion of a roadway, designated by by-law of a municipality, at an intersection or elsewhere, distinctly indicated for pedestrian crossing by signs on the highway and lines or other markings on the surface of the roadway as prescribed by the regulations;

SECTION 4. Scope. *This Act shall cover all existing overpasses found in municipalities and cities in the country.*

SECTION 5. Regulation of Pedestrian Overpasses. *Existing pedestrian overpasses shall be modified and rehabilitated according to the requirements of this Act. Likewise the Approved Budget for the Contract of pedestrian overpasses that will be erected, modified, rehabilitated or otherwise altered from the date of implementation of this Act shall include expenses for strict compliance with the following requirements:*

a) **Sufficient Lighting.** All parts of pedestrian overpasses shall have sufficient light to insure safety and protection of life and property. The average light intensity measured at floor level shall be not less than 200 LUX.

b) **Shade and Shelter.** Pedestrian overpasses including its stairways shall be designed to ensure that pedestrians will be secured against displacement by wind forces, rain and exposure to heat of the sun.

c) **Safety.** Railways and other safety features including appropriate signage, visibility, angle of inclination of stairways, and barriers shall be mandatory in the design of all pedestrian overpasses.

SECTION 6. Responsibility for Administration and Enforcement. *It shall be the primary duty of the DPWH and LGUs, in collaboration with the Professional Regulatory Boards (PRBs) of Architecture and Environmental Planning to effectively enforce the provisions of this Act. All duly constituted law enforcement agencies and officers of national, provincial, city or municipal government or of any political subdivision thereof, shall, upon the call or request of the DPWH, render unqualified/unconditional assistance in enforcing the provisions of this Act and to prosecute any person violating the provisions of the same. The Secretary of Justice or his duly designated representative shall act as legal adviser to the DPWH and shall render legal assistance as may be necessary in carrying out the provisions of this Act.*

SECTION 7. Appropriation. *The initial funding required for the implementation of this Act shall be sourced from the savings of the Executive Branch of the government and other possible sources that may be determined by the Office of the President, and subsequent funds needed shall be included in the General Appropriations Act for the year following the implementation of this Act.*

SECTION 8. Implementing Rules and Regulations. *Within ninety (90) days after the effectivity of this Act, the DPWH, in full consultation with the Professional Regulatory Boards (PRBs) of Architecture and Environmental Planning under the PRC, and with the PRC-Accredited Professional Organizations (APOs) of Architects and Environmental Planners, and in coordination with other agencies of the national and local governments, shall adopt and promulgate such rules and regulations, to carry out the provisions of this Act and which shall be effective fifteen (15) days following their publication in the Official Gazette or in two (2) major daily newspapers of general circulation.*

SECTION 9. Separability Clause. *If for any reason, any provision of part hereof is declared invalid, the other provisions not affected thereby shall remain in full force and effect.*

SECTION 10. Repealing Clause. – *Any provision of the law, presidential decree, executive orders, rules and regulations contrary to the provision of this Act is hereby repealed, amended or modified accordingly.*

SECTION 11. Effectivity. – *This Act shall take effect fifteen (15) days after its complete publication in the Official Gazette or in at least two (2) newspapers of general circulation, whichever comes earlier.*

Approved,