

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

SEVENTEENTH CONGRESS
Third Regular Session

HOUSE BILL NO. 8771



Introduced by **HON. LUIS RAYMUND "LRAY" F. VILLAFUERTE, JR.**

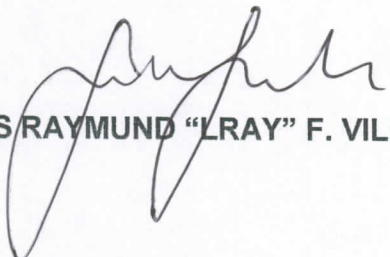
EXPLANATORY NOTE

The law needs specific regulations to keep both motorist and pedestrian safe. If the law provides specificity in the rules it presents, it creates a culture where both motorist and pedestrian respect each other on the road and are made accountable for their own actions. Infrastructure can only do so much in providing for the safety of the citizens.

This proposed bill intends to enhance the Land Transportation and Traffic Code, or Republic Act No. 4136, through clarifying the rules on yielding for both motorist and pedestrian. It also strengthens the safety of pedestrians through mandating and specifying their right of way and further provides for the training of erring drivers and pedestrians alike. The Technical Education and Skills Development Authority shall conduct the training, and any person who violates the rules shall be required to undergo the same. Finally, the bill proposes to penalize any person who violates the right-of-way of pedestrians, in addition to being obligated to undergo re-training in driving and pedestrian safety.

This representation aims to help reduce road accidents through the passage of this bill. Safety should not be a luxury and traffic woes should not be the norm.

The approval of this bill is earnestly sought.


LUIS RAYMUND "LRAY" F. VILLAFUERTE, JR.

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AN ACT

ENHANCING THE SAFETY OF PEDESTRIANS, FURTHER AMENDING
REPUBLIC ACT NO. 4136, AS AMENDED, OTHERWISE KNOWN AS LAND
TRANSPORTATION AND TRAFFIC CODE 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 "Pedestrian Safety Act of 2018."

SECTION 2. *Declaration of Policy.* – It is hereby declared the policy of the State to provide and ensure safe and convenient pedestrian travel and access, whether by foot, wheelchair, walker, or stroller. To this end, the State shall provide convenient and safe passage for pedestrians on and across all streets and highways, increase levels of walking and pedestrian travel, and reduce pedestrian fatalities and injuries.

SECTION 3. *Definition of Terms.* – For the purpose of this Act, the following terms shall be defined as follows:

- a. Crosswalk – part of the roadway set aside for pedestrian traffic;
- b. Intersection – any place where one line of roadways meets another roadway. Intersections include cross streets, side streets, alleys, freeway entrances,

and any other location where vehicles traveling on different highways or roads join each other;

- c. Pedestrian – a person on foot or who uses a conveyance such as roller skates, skateboard, etc., other than a bicycle. A pedestrian can also be a person with a disability using a tricycle, quadricycle, or wheelchair for transportation.

SECTION 4. *Repeal of Certain Provisions.* – Section 42 (c) of Republic Act No. 4136, otherwise known as Land Transportation and Traffic Code, as amended, is hereby repealed.

SECTION 5. *Right of Way of Pedestrians.* – A new Article III-A of the Land Transportation and Traffic Code, as amended, is hereby provided to read as follows:

ARTICLE III-A RIGHTS OF WAY OF PEDESTRIANS

SECTION 44-A. RIGHT OF WAY OF PEDESTRIANS –

- (a) THE DRIVER OF A VEHICLE SHALL YIELD THE RIGHT-OF-WAY TO A PEDESTRIAN CROSSING THE ROADWAY WITHIN ANY MARKED CROSSWALK OR WITHIN ANY UNMARKED CROSSWALK AT AN INTERSECTION, EXCEPT AS OTHERWISE PROVIDED IN THIS SECTION.
- (b) THE DRIVER OF A VEHICLE APPROACHING A PEDESTRIAN WITHIN ANY MARKED OR UNMARKED CROSSWALK SHALL EXERCISE ALL DUE CARE AND SHALL REDUCE THE SPEED OF THE VEHICLE OR TAKE ANY OTHER ACTION RELATING TO THE OPERATION OF THE VEHICLE AS NECESSARY TO SAFEGUARD THE SAFETY OF THE PEDESTRIAN.
- (c) NOTWITHSTANDING ANYTHING TO THE CONTRARY, THIS SECTION SHALL NOT RELIEVE:
 - (1) A PEDESTRIAN FROM THE DUTY OF USING DUE CARE FOR HIS OR HER SAFETY. NO PEDESTRIAN MAY SUDDENLY LEAVE A CURB OR OTHER PLACE OF SAFETY AND WALK OR RUN INTO THE PATH OF A VEHICLE THAT IS SO CLOSE AS TO CONSTITUTE

AN IMMEDIATE HAZARD. NO PEDESTRIAN MAY UNNECESSARILY STOP OR DELAY TRAFFIC WHILE IN A MARKED OR UNMARKED CROSSWALK; AND

- (2) A DRIVER OF A VEHICLE FROM THE DUTY OF EXERCISING DUE CARE FOR THE SAFETY OF ANY PEDESTRIAN WITHIN ANY MARKED CROSSWALK OR WITHIN ANY UNMARKED CROSSWALK AT AN INTERSECTION.

SECTION 44-B. REMOVAL OF CROSSWALKS –

- (a) AN EXISTING MARKED CROSSWALK MAY NOT BE REMOVED UNLESS NOTICE AND OPPORTUNITY TO BE HEARD IS PROVIDED TO THE PUBLIC NOT LESS THAN 30 DAYS PRIOR TO THE SCHEDULED DATE OF REMOVAL. IN ADDITION TO ANY OTHER PUBLIC NOTICE REQUIREMENTS, THE NOTICE OF PROPOSED REMOVAL SHALL BE POSTED AT THE CROSSWALK IDENTIFIED FOR REMOVAL.
- (b) THE NOTICE REQUIRED BY SUBDIVISION (A) ABOVE SHALL INCLUDE, BUT SHALL NOT BE LIMITED TO, NOTIFICATION TO THE PUBLIC OF BOTH OF THE FOLLOWING:
 - (1) THAT THE PUBLIC MAY PROVIDE INPUT RELATING TO THE SCHEDULED REMOVAL; AND
 - (2) THE FORM AND METHOD OF PROVIDING THE INPUT AUTHORIZED UNDER PARAGRAPH (1) ABOVE.

SECTION 44-C. NO OVERTAKING AT INTERSECTIONS – WHENEVER ANY VEHICLE HAS STOPPED AT A MARKED CROSSWALK OR AT ANY UNMARKED CROSSWALK AT AN INTERSECTION TO PERMIT A PEDESTRIAN TO CROSS THE ROADWAY, THE DRIVER OF ANY OTHER VEHICLE APPROACHING FROM THE REAR SHALL NOT OVERTAKE AND PASS THE STOPPED VEHICLE.

SECTION 44-D. SIDEWALKS – THE DRIVER OF ANY MOTOR VEHICLE, PRIOR TO DRIVING OVER OR UPON ANY SIDEWALK, SHALL YIELD THE RIGHT-OF-WAY TO ANY PEDESTRIAN APPROACHING THEREON.

SECTION 44-E. UNDERPASS AND OVERPASS – WHENEVER ANY PEDESTRIAN CROSSES A ROADWAY OTHER THAN BY MEANS OF A PEDESTRIAN TUNNEL OR OVERHEAD PEDESTRIAN CROSSING, IF A PEDESTRIAN TUNNEL OR OVERHEAD CROSSING SERVES THE PLACE WHERE THE PEDESTRIAN IS CROSSING THE ROADWAY, SUCH PEDESTRIAN SHALL YIELD THE RIGHT-OF-WAY TO ALL VEHICLES ON THE HIGHWAY SO NEAR AS TO CONSTITUTE AN IMMEDIATE HAZARD.

NOTWITHSTANDING ANYTHING TO THE CONTRARY, THIS SECTION SHALL NOT BE TAKEN AS A PROHIBITION AGAINST THE INSTALLATION OF CROSSWALKS WHERE A PEDESTRIAN TUNNEL OR OVERHEAD CROSSING EXISTS, SHOULD PUBLIC NECESSITY AND SAFETY DICTATE.

SECTION 44-F. INSTANCES WHERE PEDESTRIANS SHALL YIELD TO VEHICLES – EVERY PEDESTRIAN UPON A ROADWAY AT ANY POINT OTHER THAN WITHIN A MARKED CROSSWALK OR WITHIN AN UNMARKED CROSSWALK AT AN INTERSECTION SHALL YIELD THE RIGHT-OF-WAY TO ALL VEHICLES UPON THE ROADWAY SO NEAR AS TO CONSTITUTE AN IMMEDIATE HAZARD, PROVIDED THAT, THE DRIVER OF A VEHICLE SHALL CONTINUE TO EXERCISE DUE CARE FOR THE SAFETY OF ANY PEDESTRIAN UPON A ROADWAY.

SECTION 44-G. CROSSING ON CROSSWALKS – BETWEEN ADJACENT INTERSECTIONS CONTROLLED BY TRAFFIC CONTROL SIGNAL DEVICES OR BY POLICE OFFICERS, PEDESTRIANS SHALL NOT CROSS THE ROADWAY AT ANY PLACE EXCEPT IN A CROSSWALK.

SECTION 44-H. ROADWAYS –

- (a) NO PEDESTRIAN MAY WALK UPON ANY ROADWAY OUTSIDE OF A BUSINESS OR RESIDENCE DISTRICT OTHERWISE CLOSE TO HIS OR HER LEFT-HAND EDGE OF THE ROADWAY.
- (b) A PEDESTRIAN MAY WALK CLOSE TO HIS OR HER RIGHT-HAD EDGE OF THE ROADWAY IF A CROSSWALK OR OTHER MEANS OF SAFELY

CROSSING THE ROADWAY IS NOT AVAILABLE OR IF EXISTING TRAFFIC OR OTHER CONDITIONS WOULD COMPROMISE THE SAFETY OF A PEDESTRIAN ATTEMPTING TO CROSS THE ROAD.

SECTION 44-I. SOLICITATION OF RIDES – NO PERSON SHALL STAND IN A ROADWAY WHICH IS NOT AN AUTHORIZED LOADING AND UNLOADING ZONE FOR THE PURPOSE OF SOLICITING A RIDE FROM THE DRIVER OF ANY VEHICLE.

SECTION 44-7. PENALTY –

- (a) THE DRIVER OF A VEHICLE THAT VIOLATES THE PROVISIONS OF THIS ACT SHALL BE PUNISHED BY A FINE RANGING FROM PHP 10,000.00 TO PHP 100,000.00;
- (b) A PEDESTRIAN FOUND TO BE VIOLATING THE PROVISIONS OF THIS ACT SHALL BE PUNISHED BY A FINE RANGING FROM PHP 1,000.00 TO PHP 10,000.00.

THE FINES IMPOSED HEREIN SHALL BE WITHOUT PREJUDICE TO ANY OTHER CRIMINAL, CIVIL AND ADMINISTRATIVE CASE THAT MAY BE FILED AGAINST THE OFFENDER.

SECTION 44-K. TRAINING WITH TESDA – ANY PERSON WHO HAVE VIOLATED THE PROVISIONS OF THIS ACT SHALL BE REQUIRED TO UNDERGO THE APPROPRIATE TRAINING OR REFRESHER COURSE WITH THE TECHNICAL EDUCATION AND SKILLS DEVELOPMENT AUTHORITY (TESDA).

SECTION 6. *Information Campaign.* – The Department of Transportation shall conduct sustained information and education drives aimed at enhancing pedestrian and driver education.

The Department of Transportation shall closely coordinate with TESDA for the establishment of a training program for drivers and motorists consistent with the provisions of this Act.

SECTION 7. *Implementing Rules and Regulations and Standard Forms.* – Within sixty (60) days from the approval of this Act, the Department of Transportation, in consultation with the appropriate stakeholders and in coordination with different government agencies that regulate traffic, shall promulgate the implementing rules and regulations of this Act.

SECTION 8. *Funding.* – Congress shall allocate adequate funding for the proper implementation of this Act. In addition, 10% of the Motor Vehicle User's Charge Fund created under Republic Act No. 8794 shall be allocated for the programs, activities and projects of the Department of Transportation geared towards pedestrian safety and driver education.

SECTION 9. *Separability Clause.* – Should any provision herein be declared unconstitutional, the same shall not affect the validity of the other provisions of this Act.

SECTION 10. *Effectivity Clause.* – This Act shall take effect in fifteen (15) days after publication in the Official Gazette or in one (1) newspaper of general circulation in the Philippines.

Approved,