



Republic of the Philippines
House of Representatives
Batasan Hills, Quezon City

Eighteenth Congress
First Regular Session

HOUSE BILL NO. 5202



Introduced by Representatives Florencio Gabriel "Bem" G. Noel

EXPLANATORY NOTE

With the increasing population of the Philippines, more specifically in Metro Manila, accompanied with a direction towards higher urbanization, meeting the demand for suitable transportation systems and network is at the forefront of today's societal issues and is one of the most troublesome challenges that impede our progress and development as a nation.

The inability to provide, safe, accessible, and efficient public transportation for commuters puts the Philippine workforce at a major disadvantage. It is a problem that the people endure collectively regardless of whatever form of transportation one may take. Not only does this place a heavy financial burden on the people, but more importantly it takes a toll on something even more valuable to the lives of the Filipino people, and that is time.

Precious time that could be spent with family or personal lives is taken away on a daily basis, leaving everyday workers with substandard quality of life. No one should have to spend four or five hours of their lives a day going to and from work.

This bill seeks to determine the very root cause of this problem and to provide as much as reasonably possible, effective measures to alleviate this transportation burden from the people. It is of paramount importance, that the State works collectively in figuring out how to address a problem as quickly and effectively as possible. This is a burden that we all share, and providing a solution for this problem will redound exponentially to the benefit of the nation.

In view of the foregoing, immediate approval of this bill is urgently sought.

FLORENCIO GABRIEL "BEM" G. NOEL
An Waray Partylist Representative



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**AN ACT PROVIDING FOR A BILL OF RIGHTS OF COMMUTERS, PROMOTING
SAFE AND ACCESSIBLE PUBLIC TRANSPORTATION, APPROPRIATING
FUNDS THEREFORE AND OTHER PURPOSES**

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

ARTICLE I

GENERAL PROVISIONS

Section 1. *Short Title* - This Act shall be known as “The Commuter’s Welfare Act”

Section 2. *Declaration of Policy* - It is declared the policy of the State to guarantee the rights of all sectors, particularly the commuting sector to participate in the policy and decision making processes affecting their rights, welfare, and privileges. Mobility is a basic need; commuters have rights to travel safely, conveniently, and reliably. Without adequate mobility, citizens will be unable to access basic services such as healthcare and education, or enjoy fundamental freedoms. Moreover, mobility should be enjoyed by the people of all ages, abilities, gender, and economic status, not only by those who are physically fit or privileged with the financial means to acquire and access private motor vehicles.

To attain the foregoing policy, the State shall provide the necessary mechanisms, human and financial resources, and legal measures to enable its citizens to enjoy fully the right embodied in this Act. The State also reaffirms the right of all citizens to participate in the policy, formulation, planning, implementation, management, monitoring and evaluation of all institutions, programs, projects, and services related to upholding the rights of their commuters.

ARTICLE II

RIGHTS OF COMMUTERS

Section 3. *Rights of Commuters* - It will be the responsibility of metropolitan authorities and local government units to measure, analyze and update the mobility requirements in each locality and to develop plans and programs to address the mobility requirements of their citizens.

The State shall ensure that:

- (a) Every town and municipality will have a community-wide network of safe sidewalks, bicycle lanes, and roads to enable travel around the city entirely by foot, bicycle or by other forms of light mobility;
- (b) Public Transport services are available within a 500-meter walk from any residence or activity center in a city;
- (c) Public Transport services are connected to another public service within a 300-meter walk to promote seamless connectivity;
- (d) Public Transport services are in sufficient quantity and frequency so that the commuter waiting time at stops and terminals do not exceed 10 minutes during peak demand periods;
- (e) Public Transport is accorded priority in the use of road space and traffic signal operations so that it is able to traverse 15 kilometers within 1 hour, including all scheduled stops;
- (f) Public Transport services are supported by properly equipped, adequately sized and well-maintained terminals and stops, with attention to the safety and comfort of commuters
- (g) Every road with a speed limit of over 20 kph and under 60 kph shall feature dedicated pedestrian infrastructure, in the form of an unobstructed walking path of at least 2.5 meters wide in each direction;
- (h) Every road with a speed limit of under 60 kph shall feature dedicated bike lanes which are wide enough to comfortably accommodate at least two bikes side by side;
- (i) Transport services are inclusive, so that they are accessible to persons of all ages and abilities. Public Transport infrastructure and vehicles shall be designed and implemented so that persons with disabilities or special needs are not excluded from their use.
- (j) In all renovations of existing infrastructure or construction of new infrastructure, preserving or improving the travel time impact on Public Transport, bicycles, and pedestrians shall be prioritized over preserving or improving travel impact on private motorized transport. The State shall generally avoid implementation of projects that

produce a positive impact on the travel time of users of private motorized modes at large expense to Public Transport, bicycles, and pedestrians.

Section 4. *Right to Safe, Convenient and Affordable Public Transport Services* - The State shall ensure that Public Transport services are safe, dignified, convenient, comfortable and reliable, while remaining affordable to the general public.

Concessional or discounted fares shall be offered for disadvantaged or special groups (i.e. students, senior citizens, persons with disabilities, poor households).

The State shall provide subsidies to compensate for discounts offered to special or disadvantaged groups. The State shall reward the use of Public Transport via financial and non-financial incentives to promote frequent use of Public Transport. The State shall ensure that it is more economical for commuters to use Public Transport more frequently rather than less frequently.

The State shall apply financial and non-financial disincentives to reduce the use of private motorized transport. Funding earned from such disincentives must be utilized for funding of Mobility Infrastructure in favor of Active Transport and Public Transport. The State shall ensure that it is more economical for commuters to use Active Transport or Public Transport more frequently than to use motorized transport.

During periods when transportation services are deficient, the State shall employ alternative approaches for enabling additional mobility options for its citizens, including through the use of public resources to fill temporary gaps in services, such as through government-owned vehicles or through the government charter or lease of private vehicles.

The State will promote safe and efficient driving behavior by Public Transport drivers through mandatory trainings and more stringent licensing. All Public Transport vehicles will be required to install electronic vehicle tracking devices and CCTVs that will enable concerned authorities to conduct real-time monitoring of vehicle location, vehicle speed, and driver status. Dangerous on-street competition and behavior among Public Transport drivers shall be eliminated through removal of any incentive for drivers that is related to ridership or fare revenue. Streets must be designed in accordance with international best practices in road safety design to reduce the occurrence of dangerous behavior.

Section 5. *Right to Infrastructure for Pedestrians, Cyclists, and Persons with Disabilities* - The State shall accord priority to the development of adequate sidewalks and networks of bicycle lanes that encourage Active Transport and that provide safe and direct access to priority destinations such as housing, education, and business centers as well as Public Transport modes.

The State shall ensure that all Public Transport stops are accessible to persons with disabilities and impaired movement. The State shall ensure that ease of access by pedestrians especially at Public Transport stops and government facilities is prioritized over mobility of private motorized transport.

The State shall ensure that safe and adequate walking and cycling infrastructure is incorporated in the design and implementation of road transport projects at national and local government levels. The State shall ensure that the Comprehensive Land Use Plan of every city includes the

development of a city-wide network of safe sidewalks, bicycle lanes, and road lanes to enable travel around the city entirely by foot, bicycle, or by other forms of light mobility.

The State shall ensure that travel by walking or cycling is no less direct to destinations than travel by private motorized transport. No commuter shall be made to travel above or below street level to cross any street or intersection if it is possible to implement an at-grade crossing. No commuter, when traveling by walking or cycling, shall be made to diverge from his or her route of travel if a commuter traveling by private motorized vehicle would have enjoyed a more direct trip.

The State shall require all government offices and building to have shower facilities for the use of commuters. If these building receive citizens in the delivery of front-line services these shower facilities must be open to the public, The State shall offer incentives to private sector for provision of shower facilities in their offices and buildings.

In the Philippine cities and urbanized municipalities, the State shall ensure that the infrastructure of each barangay includes:

- (a) Safe foot paths or sidewalks, free of obstructions, well-protected from automobiles, compliant with universal design guidelines, and accessible by pregnant women, elderly, and persons with strollers or wheelchairs;
- (b) Networks of greenways to encourage active transport modes (walking and cycling);
- (c) Proper lighting on all roads and footpaths to allow safe travel even after dark;
- (d) Tactile paving on sidewalks of high-volume transport corridors for the benefit of pedestrians who are blind;
- (e) Bicycle racks in every transportation hub or terminal and in every commercial, community, and activity center. Such racks shall be provided at street level if possible, and at most one level above or below the street; and
- (f) Safe intersections and pedestrian crossings such as provision of raised pedestrian crossings such as provision of raised pedestrian platforms, highly visible advance warning signage, adequate street lighting, mid crossing refuges, traffic calming for motorized vehicles and curb outstanding to reduce road pavement crossing width.

The State shall not require parking for cars to be built in any buildings, and shall encourage development and the built environment to accommodate non-car travel. The State shall promote light mobility by requiring that building provide bicycle racks that can accommodate 1-% of the anticipated users of any building.

The State shall adopt the Vision Zero in road safety and ensure that road crashes are eliminated particularly those of vulnerable road users. The State shall implement a comprehensive road safety program and will allocate funding to implement activities under the five pillars of the Philippine Road Safety Action Plan namely Road Safety Management, Safer Roads, Safer Vehicles, Safer Road Users, and Post-Crash Response. The State must also create a National Road Safety Unit under the Department of Transportation and must also implement a national road crash database for road safety planning.

Section 6. *Right to a Fair Share of Public Road Space* - The State will ensure that public road space is used in a manner that delivers the greatest socio-economic benefit. The State shall ensure that safety of road users, especially non-motorized and vulnerable users, shall be prioritized over mobility of motorized modes of transport. The State shall employ treatments to the design, engineering and operation of road infrastructure in order to achieve the goal of road safety and access for non-motorized and vulnerable users.

Because roads are a scarce public asset, the State shall ensure that road space is prioritized for modes of travel (e.g., public transport, walking, cycling, etc.) that move more people and maximize the productivity and social benefit of the public asset. The planning and design of roads must prioritize the needs of pedestrians, micro-mobility users, and Public Transport users above the needs of private motor vehicles. Public Transport shall have priority use of road space over private motor vehicles.

The State will ensure that there is no private appropriation of public road space and foot paths for parking, commerce, or their activities that will restrict public use of, or access to, the road.

Section 7. *Right to Breathe Clean Air During Travel* - The State shall take measures to ensure the commuters are able to travel using Public Transport or active transport (walking or cycling) without compromising their health.

The State shall ensure that all Public Transport vehicles comply with the emission standards set by the Department of Environment and Natural Resources (DENR), Department of Trade and Industry (DTI), and/or the Land Transportation Franchising and Regulatory Board (LTFRB), whichever is more stringent.

The State shall provide programs which reduce the volume of motorized vehicles to reduce vehicle-related pollution emissions. The State shall also provide facilities and programs which support and incentivize the use of cleaner alternative fuels. Recognizing that non-exhaust emissions make up a significant portion of total pollutant emissions and that the levels of such emissions are dependent of vehicle weight, the State shall provide programs that encourage the reduction of average vehicle weight and encourage citizens to commute using cycling or other lighter vehicles.

The State will measure air quality along the major transport corridors in all cities and provide this information to the public in real time. When air quality exceeds safe levels according to internationally-accepted standards, particularly from the World Health Organization, the State will activate emergency procedures with the aim of reducing the exposure of the public, especially the young and the elderly, to unclean air.

Section 8. *Right to Information for Efficient and Convenient Travel* - The State will provide timely and adequate information so that commuters are able to make good travel plans and choices about modes and routes. The State shall make publicly available information on all Public Transport services, including route maps, fares, schedules, and real time vehicle location and availability, for the convenience of commuters. The State shall ensure that such information is prominently displayed at all stops of public transport services and at other locations deemed necessary or beneficial to commuters.

The State will establish technical standards and regulations for the display of street maps at strategic locations in each neighborhood, for the reference of residents and visitors.

The State will ensure that, at all ports, airports, and terminals, a 24-hour information/assistance counter will be available to serve the needs of travelers.

The State shall establish a National Transport Data Planning Center (NTDPC) which will collect and process the mobility data for evidence-based transport planning which can quickly adapt to the evolving mobility requirements in our communities. The NTDPC shall ensure that data in aid of policy and research on mobility be open and be made available to the public. These kinds of data include reliable and accurate road crash data in <http://roadsafety.gov.ph>, air pollutions levels, and Public Transport routes and travel time information, among others.

Section 9. *Right to Special Attention During Service Breakdowns and to Compensation for Deficiencies in Service* - The State shall ensure that, in case of breakdown in a Public Transport service, passengers will be entitled to receive from the transport operator a full refund of the fare and assistance in securing onward journeys.

Stranded passengers should be informed in a timely manner about how they will be redirected to their final destination. If onward journeys are unavailable for more than one (1) hour, the transport operator should provide food, water, and access to a waiting area with restrooms and ventilation.

Any student or employee should not be penalized for arriving late by their school or employer if the reason for their tardiness was a disruption in a Public Transport service.

Section 10. *Right to Representation and Participation* - The State shall ensure that the welfare and interest of commuters are considered in all decision-making related to mobility and transportation services. To this end, commuters have a right to advance notice and information on any proposed policy, regulation, project, or service at local or national level that affect their mobility, including full details on how they will be affected by proposed initiative. Affected commuters must receive a response to such comments from the concerned public official within twenty (20) working days.

If a public consultation will be heard regarding any initiative affecting the mobility of commuters, the consultation meeting shall be heard at a time, even on a weekend or after office hours, and at a convenient and accessible venue that will maximize the participation and feedback from affected commuters. In parallel, commuter feedback shall be solicited through social media and other channels for information exchange.

ARTICLE III

INSTITUTIONAL MECHANISMS

Section 11. *Establishment of the Office of Commuter Affairs* - The Office of Commuter Affairs shall be tasked to perform the following functions and responsibilities:

- (a) Coordinate with the respective government agencies dealing with road, rail, air, and maritime transportation policy to ensure safe, efficient and comfortable travel of commuters;

- (b) Operate Help Desks for the riding public;
- (c) Assist the commuters whenever the safety and efficiency of travel is compromised;
- (d) Undertake massive commuter education programs for the traveling public to know their rights and responsibilities;
- (e) Ensure legal assistance for commuters, when necessary; and
- (f) Ensure adequate representation of commuters in any public consultation that will impact on the welfare and interest of commuters.

Section 13. *Implementing Agencies* - The Department of Transportation (DOTr), the Department of Public Works and Highways (DPWH), the Department of Interior and Local Government (DILG), the Metropolitan Manila Development Authority (MMDA), Department of Environment and Natural Resources (DENR), Department of Trade and Industry (DTI), and concerned local government units shall be the Implementing Agencies for this Act, with DOTr as the lead implementing agency with responsibility for coordinating and monitoring all implementation activities.

The State shall ensure that the core concepts of this framework are integrated in the annual government budget process. The State shall ensure that compliance with the provisions of this Act are included in the annual performance targets of all relevant national and local government agencies. The State shall ensure that the Implementing Agencies will annually be allocated budget to strengthen organizational capacities and to sufficiently fund the establishment and operations of the NTDP, Office of Commuter Affairs, and other related offices. The State shall ensure that relevant technical standards, guidelines, and manuals of national and local agencies are amended to incorporate all requirements under this Act.

Section 14. *Implementing Rules and Regulations* - Within one hundred and eighty (180) days from effectivity of this Act, the DOTr and the other implementing agencies will prepare the implementing rules and regulations (IRR) of this Act, with the participation of non-government organizations, civil society organizations and academic institutions that champion the welfare of commuters.

Section 15. *Penal provisions* - Any person or government agency who has found to be in violation of any of the provisions of this Act shall be fined not less than Two Hundred Thousand Pesos (P200,000) but not more than Five Hundred Thousand Pesos (P500,000). If the offender is a public official, he/she shall be dismissed from government service, in addition to the penalties above stated.

Section 16. *Separability Clause* - Any portion or provisions of this Act that may be declared unconstitutional or invalid shall not have the effect of nullifying other portions or provisions hereof as long as such remaining portions or provisions can still subsist and be given effect in their entirety.

Section 17. *Repealing Clause* - All laws, presidential decrees, executive orders, memoranda, circulars and other issuances or parts thereof, which are inconsistent with this Act, are hereby repealed or modified accordingly.

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

Approved,