

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Constitution Hills, Quezon City
NINETEENTH CONGRESS
First Regular Session
House Bill No. 3448



Introduced by: **REPRESENTATIVE EDWIN L. OLIVAREZ**

EXPLANATORY NOTE

Accessibility has always been a challenge for persons with disabilities in our country, particularly with respect to public transportation. It is very difficult for a person with disability to avail of and use our existing public transportation systems such as the MRT and the LRT, let alone be able to use them independently, because these were not designed to accommodate their needs.

While the Philippines does have the Accessibility Law otherwise known as Batas Pambansa Blg. 344, the said law, having been enacted way back 1982, is already outdated and has never been fully enforced or implemented in the country possibly because of the broad provisions embodied therein. The provisions of BP 344 in fact does not contain the principles of Universal Design as this concept was only born in 1997. The relevant provisions of BP 344 are only limited to these:

“SECTION 1. Xxx ... no license or permit for the construction, repair or renovation of xxx public utilities xxx shall be granted or issued unless the owner or operator thereof shall install and incorporate in such building xxx or public utility, such architectural facilities or structural features as shall reasonably enhance the mobility of disabled persons such as sidewalks, ramps, railings and the like...xxx

SECTION 2. In case of public conveyance, devices such as the prominent display of posters or stickers shall be used to generate public awareness of the rights of the disabled and foster understanding of their special needs. Special bus stops shall be designed for disabled persons. Discriminating against disabled persons in the carriage or transportation of passengers is hereby declared unlawful.”

On April 15, 2008, the Philippines ratified the United Nations Convention on the Rights of Persons with Disabilities (UN CRPD). The UN CRPD is an international human rights treaty of the United Nations intended to protect the rights and dignity of persons with disabilities. Parties to the Convention are required to promote, protect, and ensure the full enjoyment of human rights by persons with disabilities and ensure that persons with disabilities enjoy full equality under the law. The Convention serves as a major catalyst in the global disability rights movement enabling a shift from viewing persons with disabilities as objects of charity, medical treatment and social protection towards viewing them as full and equal members of society, with human rights.

The Philippines, as a signatory thereto, is obliged to implement its provisions. Article 9 thereof states that:

“Article 9

Accessibility

1. To enable persons with disabilities to live independently and participate fully in all aspects of life, States Parties shall take appropriate measures to ensure to persons with disabilities access, on an equal basis with others, to the physical environment, **to transportation**, to information and communications, including information and communications technologies and systems, and to other facilities and services open or provided to the public, both in urban and in rural areas. These measures, which shall include the identification and elimination of obstacles and barriers to accessibility, shall apply to, inter alia:

(a) Buildings, roads, **transportation** and other indoor and outdoor facilities, including schools, housing, medical facilities and workplaces;

(b) Information, communications and other services, including electronic services and emergency services.”

In the First Constructive Dialogue between the UNCRPD Committee and the Philippines held in Geneva, Switzerland last 2018, milestones as well as remaining gaps and challenges in the latter’s implementation of the provisions of the Convention was thoroughly discussed. Thereafter, the UNCRPD Committee

through its Concluding Observations, came up with various recommendations for the Philippines (as a State Party), some of which pertain to the issue of accessibility, to wit:

“(a) Conduct a review of its legislation and adopt a plan of action to develop accessibility to the physical environment, transportation, information and communications of all persons with disabilities. The State party should adhere to the principle of Universal Design as laid down in article 2 of the Convention, ensuring that the infrastructure, transportation, services and technologies are designed for and usable by all people to the greatest extent possible, without the need for further adaptation or specialized design;

(b) Expand accessibility laws and guidelines to protect the accessibility of all persons with disabilities;

(c) Establish complaint procedures and monitoring of accessibility requirements concerning public and private services, facilities and procurement procedures, ensuring the right of and resources for organizations of persons with disabilities to support complaint procedures and monitor accessibility;

(d) Strengthen the technical and financial resources to ensure accessibility to transportation beyond the available accessible seats on public buses;

(e) Increase the use of jeepneys for all persons with disabilities;

(f) Take into account its obligations under article 9 of the Convention that are relevant to targets 11.2 and 11.7 of the Sustainable Development Goals in order to **provide access to safe, affordable, accessible and sustainable transport systems to persons with disabilities by adapting public transport, with special attention to the requirements of persons with disabilities;**

(g) Adopt monitoring indicators to assess improvements in accessibility.”

This bill is therefore being proposed in response to the recommendations laid down by the UN CRPD Committee and in order to supplement, strengthen, and update our existing Accessibility Law, and ensure its enforcement this time no matter how small of a step it might take: as a strategy, this bill intentionally focuses only on the public rail transit systems in the country, leaving out other modes of public transportation for now. By tackling the issue of accessibility of our train systems first, the purpose of this Act as well as of BP 344 will be achieved much quicker, and it may very well serve as the first step to transforming our entire public transportation system into a disability-responsive one.



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AN ACT
MANDATING THE DEPARTMENT OF TRANSPORTATION (DOTR)
TO INSTALL, CONSTRUCT, PROVIDE, MAINTAIN, and IMPROVE
FACILITIES TO ENSURE THE FULL ACCESS, INDEPENDENCE,
SAFETY, AND MOBILITY OF PERSONS WITH DISABILITIES USING
THE PUBLIC RAIL TRANSIT SYSTEMS, AND ALLOTING AN
ANNUAL BUDGET THEREFOR.

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 “Public Rail Transit System Safety and Accessibility Act of 2022”.

Sec. 2. Installation, Construction, Provision, and Maintenance of Facilities Responsive to the Needs of Persons with Disabilities. The Department of Transportation (DOTr) shall install, construct, provide, and thereafter maintain facilities to ensure the full access, independence, safety, and mobility of persons with disabilities to the public rail transit and/or train systems in the country. The facilities to be installed, constructed, or provided shall fully comply with the principles of Universal Design and shall be fully responsive to the needs of relevant stakeholders.

Sec. 3. Facilities to promote independence and safety. The facilities to be installed, constructed, provided, and maintained shall enable a person with disability to independently and efficiently enter the premises of the station, independently and safely aboard the train, independently, safely, and comfortably travel from one station to another until he/she reaches her destination, and independently and safely alight the train and exit the premises of his/her destination station. To this end, the DOTr shall ensure the following:

Elevators

1. Elevators in every station is fully functional during the entire operating hours of the rail transit system.
2. The doors must remain open for at least five seconds.
3. Aural warnings should be given when doors are about to be opened or closed.
4. Elevator controls, both outside and inside, should be operable by wheelchair users and have tactile markings for persons with visual impairment.
5. There must also be an alternative or reserved elevator strictly for the use of persons with disabilities and other vulnerable passengers for when the regular elevators experience unexpected downtime;

Obstacle Free Route and Safe Pavements

6. Existing gaps between the train doors and the platform which are a serious hazard not only to persons with disabilities but also to other passengers boarding the train, shall immediately be eliminated;
7. Tactile warnings detectable by a long cane or underfoot, shall be installed and maintained in critical areas to alert persons with visual disability or impairment of hazardous surfaces, grade changes, or gaps.
8. A minimum of one obstacle-free route that interconnects the following points and services shall be provided for:
 - stopping points for other connecting modes of transportation within the station confines (e.g. MRT to LRT station, etc.);
 - shopping mall entrances, car parks, etc.,
 - other accessible entrances and exits.
9. These obstacle-free routes shall be clearly identified by visual information. Provided, that information on the obstacle-free route shall be given to visually impaired people by a minimum of one of the following means: tactile paths, audible, tactile signs, talking signs, or braille maps. If a tactile path is installed, it shall be provided along the full length of the obstacle-free route(s).

10. Within the station confines, furniture and free-standing devices shall be positioned where they do not obstruct visually impaired people, and where they shall be detectable by a long-cane user.
11. Pavements should have a good level of slip resistance, with a consistent texture, and with a well-defined edge.
12. Paving slabs should have an even surface to avoid the risk of tripping and be smooth enough for wheelchairs.

Lighting

13. Lighting should be even and consistent inside the stations and the trains, and the brightness thereof should not be too bright as to make it uncomfortable for persons with visual impairment.

Special Lanes, Areas, and Seating

14. Special lanes, cars/areas, and seating for persons with disabilities and other vulnerable passengers shall be strictly maintained.

Signs, Marks, and Announcements,

15. Important signs, marks, and announcements inside the station shall be retrofitted so that they can also be understood by persons with disabilities.

Call For Assistance and Information Facility

16. There must be a call-for-assistance and call-for-information (i.e. Help Desk) in every station, staffed by someone who is capacitated to sensitively, properly, and effectively help or assist persons with disabilities. A clear signage of the existence thereof and where to find it shall be posted in a conspicuous place inside the station, in a manner that can be seen, understood, and/or detected by persons with disabilities.
17. Information displayed on signs should be as clear as possible even to people with learning difficulties. For this reason, messages or statements shall be simple, succinct, direct to the point, and unambiguous.
18. Signs and directories intended to be read at close range should be mounted as close as possible to the standard eye-level range.

Comfort Rooms

19. Comfort Rooms in every station must be responsive to the needs of persons with disabilities and other vulnerable passengers. It must be spacious enough to allow people in wheelchairs to safely and comfortably access and use said comfort room and must be provided with sufficient grips and other supportive devices, with proper and even flooring and lighting, and without unnecessary or misplaced furnishings or obstacles.

Train Interior and Seating

20. The train's interior shall be furnished with proper assistive devices to ensure that persons with disabilities can travel safely and comfortably from one station to another. Particularly, the seats exclusively designated for them shall comply with the principles of Universal Design.

Passenger Capacity

21. The number of operation trains should eventually be increased within the next five years to avoid overcrowding, pushing, extreme heat inside the train, among other hazards and issues that could affect the safety or persons with disabilities and other vulnerable passengers.

Other Necessary Adjustments

22. Other necessary adjustments to the public rail transit system such as the station signs, flooring, lighting, steps and stairs, elevators, comfort rooms, ticket sales points, entrances and exits, pavements, tracks, help desks, station furniture (seating areas, tables, etc.), vending machines, announcement systems, train interiors, seating, among other areas or aspects, shall be made so as to eliminate hazards, and ensure that the space is safe, convenient and passenger-friendly for persons with disabilities, and that the public rail transit system is fully compliant with the principles of Universal Design;

Sec. 4. *Consultation with Relevant Stakeholders and Partners.* The DOTr shall conduct intensive consultations with relevant stakeholders such as persons with different disabilities (e.g. sight, hearing, talking, mobility, dexterity, learning, among others); women and children with disabilities, guardians or persons taking

care of or regularly accompanying persons with disabilities, and senior citizens who due to their age are suffering from impairments whether serious or mild. The DOTr shall also invite relevant government agencies such as the National Council on Disability Affairs (NCDA), the Philippine Commission on Women (PCW), and the Council for the Welfare of Children (CWC), among others; and non-government organizations (NGOs) advocating for the rights of persons with disabilities. The consultations shall be mandatory in every stage of the project including planning, design, execution, and evaluation, and all the relevant stages in between.

Sec. 5. *Accessibility Budget.* The DOTr is hereby mandated to allot and utilize at least 10% of its annual budget in the installation, construction, provision, maintenance, and improvement of the facilities that promote and ensure the full accessibility, independence, and safety of persons with disabilities who are using the public transit rail systems until the train system infrastructure in the country becomes fully compliant with the principles of Universal Design. Once the transit systems are fully compliant with the principles of Universal Design, the annual budget allotment may be decreased to a percentage sufficient to cover regular repairs and maintenance of the facilities constructed, installed, or provided in accordance with this Act.

Sec 6. *Accessibility Guidelines and Code of Practice.* The NCDA shall work with the DOTr in drafting and publishing a Public Rail Transit System Accessibility Guidelines and Code of Practice anchored on the principles of Universal Design. The purpose of the Accessibility Guidelines and Code of Practice is to provide for the minimum standard for a disability-responsive public rail transit system, as well as guide the officers and employees thereof in making railway travel safe, easy, and comfortable for passengers with disabilities.

The Accessibility Guidelines shall also serve as one of the bases for Commission of Audit's (COA) observations, findings and/or audits of DOTr's Accessibility Budget Utilization.

In developing and drafting said Guidelines and Code of Practice, it shall be mandatory to conduct consultations with and gather inputs from relevant stakeholders, partner agencies and NGOs, and experts whether from the academe or the public and private sector.

The Accessibility Guidelines and Code of Practice shall be revisited and revised every five years, or as often as necessary like when there have been recent developments with regard to the concept or principles of Universal Design and

other relevant prevailing international standards on transportation for persons with disabilities.

Sec 7. *Annual Accessibility Plan and Budget.* The DOTr shall prepare and submit an annual Accessibility Plan and Budget to NCDA and COA detailing the projects to be undertaken and/or continued (if the project has been commenced in the previous years already) by the DOTr in the coming year. The NCDA shall provide technical assistance and guidance to the DOTr in order to ensure that the plan is truly and substantively responsive to the needs of persons with disabilities. The COA shall peruse the said plan vis-à-vis the Accessibility Budget Report to be submitted by the end of the year in order to determine whether the agency was able to achieve its targets and utilize the required accessibility budget allocation.

Sec 8. *Accessibility Budget Report and Audit.* The DOTr is hereby mandated to submit an annual Accessibility Budget Report to the Commission on Audit (COA). The COA shall conduct an annual audit of the DOTr's Accessibility Fund to see whether the agency complies with the required accessibility budget utilization required by this Act.

Sec. 9. *Monitoring and Evaluation.* A monitoring and evaluation system to shall be developed in order to assess the public rail transit systems' improvements in terms of accessibility.

Sec. 10. *Implementing Rules and Regulations.* The DOTr in partnership with the NCDA, and in consultation with relevant stakeholders, national government agencies, NGOs, and invited experts on Accessibility and Universal Design, shall, within ninety (90) days from the implementation of this Act, promulgate the implementing rules and regulations to effectively carry out the provisions of this Act.

Sec. 11. *Separability Clause.* If, for any reason, any part, section or provision of this Act is held invalid or unconstitutional, the remaining provisions not affected thereby shall continue to be in force and effect.

Sec. 12. *Repealing Clause.* All laws, decrees, executive orders, proclamations, rules and regulations, and other issuances, or part or parts thereof, which are inconsistent with the provisions of this Act are hereby repealed, amended or modified accordingly.

Sec. 13. *Effectivity Clause.* This Act shall take effect fifteen (15) days after its publication in the Official Gazette or at least two (2) newspapers of general circulation, whichever comes earlier.

Approved,