

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

NINETEENTH CONGRESS
First Regular Session

HOUSE BILL NO. 5865



Introduced by Representative Joseph Gilbert F. Violago

EXPLANATORY NOTE

This commendable bill had been filed in the past Congress and the present proponent is acknowledging the wisdom and hard work of his predecessors.

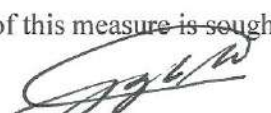
Before the COVID-19 pandemic, bicycles were only used in local neighborhoods and rural areas and seldomly used in major roads due to the inadequate infrastructures which are conducive to biking. Other modes of public transportation such as public utility vehicles, city and provincial buses, and the railways are commonly crammed during rush hours – a discouraging sight for the commuting public.

During the outbreak of the COVID-19 pandemic, the government implemented travel restrictions to limit the people's movement to curb the spread of this communicable disease. The shutdown of public transportation and the limited options for essential workers forced them to the use of bicycles going to and from work. Hence, the pandemic created a momentum for the use bicycles. Around the world, bicycles are more common than cars. The use of bicycles is popular in many countries like Netherlands, Denmark, Japan, Finland, Belgium, and China.

In 2020, around 2.1 million bikes were imported to the Philippines. An SWS survey last November 2020 showed 85% of Filipinos agree that their city or municipality will be a great place for cycling and walking, while 87% of Filipinos agree that their local roads will be better when cycling and walking will be prioritized over private vehicles.¹ Riding a bicycle is a healthier and greener alternative mode of transportation. It promotes health and well-being; it produces no carbon emissions - thus, it is environmentally friendly - and it promotes leisure.

This bill seeks to institutionalize the use of bicycles as a regular mode of transportation. The advantages of the use of bicycles warrant the establishment of safer cycling infrastructures and facilities for the public, and the provision of equal rights among road users and incentives for the use of bicycles. With this bill, it is endeavored that more people will be encouraged and feel safer to use bicycles as a regular mode of transportation.

In view of the foregoing, the urgent passage of this measure is sought.


JOSEPH GILBERT F. VIOLAGO

¹ <http://www.sws.org.ph/swsmain/artcldisppage/?artcsyscode=ART-20210129222939>

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

NINETEENTH CONGRESS
First Regular Session

HOUSE BILL NO. 5865

Introduced by Representative Joseph Gilbert F. Violago

AN ACT
INSTITUTIONALIZING THE USE OF THE BICYCLE AS A
REGULAR MODE OF TRANSPORTATION, DEFINING THE RIGHTS OF
BICYCLE RIDERS, ESTABLISHING APPROPRIATE INFRASTRUCTURE AND
FACILITIES, APPROPRIATE FUNDS THEREFOR,
AND FOR OTHER PURPOSES

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

SEC. 1. *Short Title.* - This Act shall be known as "The Philippine Bicycle Act".

SEC. 2. *Declaration of Policy.* — In conformity with the provisions of the Constitution to promote the general welfare and social justice in all phases of national development, protect and advance the right of the Filipino people to a balanced and healthful ecology in accord with the rhythm and harmony of nature, and to conserve and develop the patrimony of the nation, the State shall:

- a) Prioritize the welfare and safety of the commuting public, especially pedestrians, cyclists, women, elderly, persons with disabilities, and children;
- b) Promote a shift towards a safe, collective, efficient, non-congestive, non-pollutive, and healthful locomotion and transportation system that includes the use of bicycles;
- c) Ensure that the needs and safety of all road users, particularly the pedestrians and cyclists, are fully integrated into the planning, design, operation, and maintenance of the country's transportation system and infrastructure; and
- d) Establish its plans and programs in conformity with the overall national land use plan as well as the local comprehensive land use plans.

SEC. 3. *Definition of Terms.* — For the purposes of this Act, the term:

- a) "Bicycle or bike" shall refer to a non-motorized vehicle consisting of a light frame mounted on two wheels, one behind the other, and having a seat, handlebars for steering, brakes and two pedals;
- b) "Bicycle lane or bike way" shall refer to any longitudinal strips designated for the passage of a bicycle or other personal mobility device;

- c) "Cyclist or PMD user" shall refer to a person who drives or operates a bicycle or any other PMD, respectively;
- d) "Motor vehicle" shall refer to any vehicle driven by a motor or engine and operates on a road or highway,
- e) "Personal Mobility Devices (PMD)" shall refer to devices upon which any person may ride and is propelled either solely or assisted by human power. which shall include bicycles, personal assistive mobility devices, scooters, skateboards, and the like; *Provided, that* for purposes of this act, a PMD shall not weigh more than 100 kilograms;
- f) "Road" shall refer to a facility used for the movement of vehicles, pedestrians, and other conveyances; and
- g) "Slow street" shall refer to a street or road wherein the minimum width prescribed for bicycle lanes may not be feasible, and where speed limits at low levels shall be required among motor vehicles to allow for safe mixing with bicycle traffic.

SEC. 4. Coverage. — For purposes of this act, provisions pertaining to bicycles and cyclist shall likewise apply to personal mobility devices and their users.

SEC. 5. Inclusion of Bicycle as Regular Mode of Transportation in the National Transportation Plan. — Within six (6) months from the issuance of rules and regulations implementing the provisions of this Act, the Department of Transportation (DOTr), in coordination with the Department of Public Works and Highways (DPWH) and National Economic and Development Authority (NEDA), shall come up with a National Bike Program (Program). The Program shall provide a roadmap for national and local bicycle transportation system to be adhered to at all levels throughout the country.

The Program shall include the plans and strategies for the construction, provision and maintenance of bicycle lanes, parking areas and other support facilities. It shall also provide for the standards for bicycles and regulations for the exercise and protection of rights of cyclists.

SEC. 6. Local Bicycle Office. — A Local Bicycle Office (LBO) is hereby created in every city or municipality and shall have the following powers, functions and responsibilities:

- a) Manage the construction and maintenance of bicycle lanes and road signages, including the identification of bicycle networks within the jurisdiction of the locality;
- b) Manage the bike park or parks;
- c) Ensure that bicycle lanes are free of any obstruction that can compromise the safety of cyclists and pedestrians;
- d) Enforce the establishment of bicycle parking and other related facilities;
- e) Encourage partnership with local and foreign organizations to facilitate easy access to bicycles; and
- f) Conduct education and information drives on the benefits of using bicycles in coordination with the Land Transportation Office (LTO) and the Health

Promotion Bureau of the Department of Health in order to promote the usage of the same.

The staffing pattern of the LBO shall be determined by the city or the municipality concerned.

SEC. 7. *Designation of Bicycle Lanes.* — There shall be designated bicycle lanes in all primary and secondary roads for the exclusive use of cyclists,

The bike lanes shall be separated by physical barriers and shall be clearly identified with signs or pavement markings. In the planning, configuration, and establishment of bicycle lanes, the national and local governments shall thoroughly consider existing traffic levels and behaviors of the particular road or street, adequate safety buffers to protect cyclists from parked and moving vehicles, and enforcement to prohibit motorized vehicle encroachment and double parking. In cases where the installation of a physical barrier is not feasible due to limited space, the lane for bicycles shall be identified through striping, signage, and pavement markings with reflectorized paint. Existing car lanes shall be converted to bicycle lanes whenever necessary.

The national government and all local governments shall ensure that slow streets are likewise present wherever bicycle lanes are not feasible. For this purpose, the LBO and LBO shall evaluate and recommend candidate road and streets and facilitate their transition into slow streets within thirty days after effectivity of this

Designation of bicycle lanes shall in no way take away or diminish the right of cyclists to use public roads outside of said lanes, provided that cyclists observe applicable traffic rules and regulations.

SEC. 8. *Bicycle Parking Facilities.* — All public places, government offices, schools, major business establishments, including malls, banks, restaurants, hospitals, and the like, are hereby required to provide bicycle racks for bicycle parking.

Bicycle parking should be secure, visible, accessible, and segregated from pedestrians and motor vehicles.

SEC. 9. *Other Related Bicycle Facilities.* — In addition to the bike lanes and bike parking, the following related facilities shall be provided to ensure that cyclists and their bicycles can travel safely and to lessen if not avoid collision incidents with pedestrians and other vehicles:

- a) Sidewalk improvements;
- b) Traffic calming and speed reduction improvements;
- c) Pedestrian and bicycle crossing improvements;
- d) Traffic signage pertaining to bicycles;
- e) Off-street pedestrian and bicycle facilities; and
- f) Traffic diversion improvements.

SEC. 10. *Bike Parks.* — Each city or municipality, through the LBO and the City or Municipal Engineer's Office, shall create and establish a bicycle park where facilities such as but not limited to bikeways, bicycle parking areas and similar infrastructure are available. The bicycle parks shall be funded by the local government unit (LGU) concerned by allocating thirty percent (30%) of their respective revenues raised from the miscellaneous activities like parking and license fees.

SEC. 11. *Rights of Cyclists.* — All cyclists shall enjoy:

- a. the right to own a bicycle and use the same subject to such limitations as may be provided by law;
- b. the right to ride on any public road or street;
- c. the rights granted to drivers of motorized vehicles, except those that by their nature are inapplicable; and
- d. the right to be protected from street harassment or any other conduct, whether from public agents or private persons, that violates Republic Act 11313 or the "Safe Spaces Act" and other applicable laws and regulations.

SEC. 12. *Equal Right to Use The Road; Hierarchy of Road Users.* All roads and streets being shared spaces, every road user shall have the equal right to use the road along with other users.

Pursuant to the principles of protecting the most vulnerable road users and promoting sustainable modes of transport, the following hierarchy of road users shall be observed:

- 1) Pedestrians and persons with disabilities;
- 2) Cyclists and other users of pmcs;
- 3) Public transport
- 4) Motorcyclists;
- 5) General traffic.

All government agencies shall likewise consider this hierarchy in road infrastructure planning, land use planning, formulation of rules and regulations on road use, and other related activities.

SEC. 13. *Obligations and Responsibilities of Cyclists.* — Every cyclist and PMD user must comply with the following duties and obligations:

- a) Obedience to the applicable traffic rules and traffic signs and to drive responsibly with extreme care and caution at all times;
- b) At all times and before mounting to drive a bicycle, ensuring that the same is fully equipped and in good running condition; and
- c) While riding a bicycle, ensuring that he or she is equipped with basic protective gear. This may include pads, helmet and other accessories such as reflectors and lightings. For this purpose, the national government, local (governments, and employers are highly encouraged to provide protective gear for the public and their employees, respectively.

SEC. 14. *Limitations on the Use of Bicycles.* — The use of bicycles and other PMDS shall be subject to the following limitations and such other limitations as may be provided in the National Bike Program:

- a) No bicycle shall carry more persons than it was designed to carry except when another regular seat or trailer towed by the bicycle is present;
- b) Persons riding a bicycle shall not cling to another bicycle or vehicle while in the designated bikeway, and
- c) No person shall operate a bicycle or any other PMD at a speed greater than what is reasonable and prudent under the prevailing conditions. Cyclists and other PMD users shall observe the speed limits at all times.

SEC. 15. *Yielding Right-Of-Way.* — Motorists shall yield the right of way to cyclists. Every motorist who is about to enter or cross a roadway shall yield the right of way to cyclists.

SEC. 16. *Overtaking of Motor Vehicles.* — In the case of bicycle lanes not secured by physical barriers, the driver of a motor vehicle overtaking and passing a bicycle that is travelling in the same direction shall maintain a minimum overtaking distance of one and a half (1.5) meters between any part of the motor vehicle he or she is driving and any part of the bicycle or its cyclist.

SEC. 17. *Prohibition on the Use of Bicycle Lanes by Motor Vehicles, Exceptions.* - Whenever a bicycle lane or bikeway has been established on a road, no motor vehicle shall be driven on such bikeway, except when necessary to enter or leave such road or to make a turn.

SEC. 18. *"Bike to Work" Program.* - The DOTr shall establish a program that gives incentives to private and government offices that encourage their employees to ride their bicycles to work by providing bicycle facilities such as lockers and showers within their establishments.

SEC. 19. *Incentives.* - In order to encourage the use of bicycle as a regular mode of transportation, this Act grants the following tax reliefs and benefits:

- a) Employees who shall regularly and mainly use bicycles as means of transport to and from their places of work shall be entitled to an annual tax deduction of Ten Thousand Five Hundred Pesos (P10,500.00) from their gross income. The said tax deduction shall be reviewed and updated every three (3) years by the DOTr;
- b) Expenses incurred by employers or schools in providing their employees or students by way of benefits, bicycles, related equipment and bike-friendly facilities shall be deductible in full from their gross income;
- c) Expenses incurred by companies, business establishments, and other institutions by reason of their bike-friendly program-us and facilities such as secure parking spaces, showers, and repair stations shall be deductible in full from their gross Income;

- d) Bicycles granted by employers to its managerial and supervisory employees in compliance with this Act shall not be taxable as fringe benefits as provided under Republic Act 8424, as amended.

For purposes of this Act, the qualified persons, companies, institutions desiring to avail of the benefits of this Act shall substantiate their claim for incentives with sufficient evidence, such as logbook entries, official receipts, affidavits or other adequate records.

SEC. 20. *Financing.* - The DOTr, in coordination with the Department of Environment and Natural Resources (DENR), shall explore the possibility of accessing a growing range of global environment funds in order to be able to assist in the funding of sustainable public transport systems and less polluting energy supplies.

SEC. 21. *Grants.* - In carrying out the provisions of this Act, the Secretary of DOTr may extend grants to local government units and non-governmental organizations that the Secretary may determine suitably equipped and organized to carry out the objectives and requirements of this Act.

SEC. 22. *Observance of the Carless Day.* — To promote the use of bicycles, the country shall participate in the annual celebration of World Car-Free Day every second Sunday of September and observe the National Car-Free Day every second Sunday of April.

The Secretary of DOTr is hereby mandated to determine the primary and secondary roads which shall be carless during these annual celebrations.

SEC. 23. *Penalties.* — The following penalties shall be imposed upon the persons who act in violation of this Act:

- a) Any person who violates any provision of this Act shall suffer a penalty of fine in an amount not less than Five Thousand Pesos (P5,000.00) nor more than Ten Thousand Pesos (P10,000.00). If such violation causes damage or injury to person or property, then the appropriate provisions of the Civil Code or the Revised Penal Code (RPC) shall apply. When the offender is a corporation, the officers responsible for the violation shall be meted with the penalties herein provided.
- b) Any public works official who approves the construction of main roads or highways without the required bicycle lanes in their designs shall be punished by a fine of not less than Ten Thousand pesos (P10,000.00) nor more than Thirty Thousand Pesos (P30,000.00) or suspension, or both, if found guilty in an appropriate administrative investigation. The same penalty applies to a public work official who is duty-bound to mark the existing main roads and highways but refuses or fails to do so.
- c) Any person who shall violate Section 17 of this Act shall be penalized with:
 - i) A fine of Five Thousand Pesos (P5,000.00) for the first offense;
 - ii) A fine of Ten Thousand Pesos (P10,000.00) for the second offense;

iii.) A fine of Fifteen Thousand Pesos (P15,000.00) and suspension of driver's license for three (3) months for the third offense: and

iv.) A fine of Twenty Thousand Pesos (P20,000.00) and revocation of driver's license for the fourth offense:

Provided, That the DOTr, through the LTO, may increase the amount of fine herein imposed once Twenty-five (5) years in the amount not exceeding ten percent (10%) of the existing rates which shall take effect only upon publication in at least two (2) newspapers of general circulation.

The foregoing penalties shall be imposed without prejudice to other liabilities under the RPC or any special law, arising out or on occasion of any violation of the abovementioned section, when applicable.

SEC. 24. *Bicycle Awareness Program.* — The Secretary of DOTr, in cooperation with Department of Education (DEPED), Commission on Higher Education (CHED) and the LGUs, shall establish an educational program to increase awareness on bike safety and road sharing. The program shall be designed for traffic enforcers, motorists, cyclists and the commuting public. The program shall include:

- a) Traffic education and enforcement;
- b) Motorist awareness and road-sharing; and
- c) Bicycle and pedestrian safety.

SEC. 25. *Nationwide Public Information Campaign.* — The DOTr, through the LTO, in coordination with the Philippine Information Agency (PIA), DEPED, CHED, Department of the Interior and Local Government, Metropolitan Manila Development Authority, Philippine National Police and private agencies and organizations, shall undertake a nationwide information, education and communication campaign for a period of six (6) months from the promulgation of the rules and regulation implementing the provisions of this Act.

SEC. 26. *Appropriations.* — The DOTr, LGUs and other implementing agencies shall provide from their current appropriations, if available, such amount as may be necessary to initiate the programs under this Act.

Thereafter, such amount as may be necessary for the continued implementation of this Act shall be included in the respective budgets of the offices or agencies concerned in the annual General Appropriations Act.

SEC. 27. *Implementing Rules and Regulations (IRR).* — Not later than thirty (30) days after this Act takes effect, a Committee shall be convened to formulate the IRR of this Act. The Committee shall be composed of the following:

- a. The Secretary of Transportation or his or her authorized representative, who shall serve as Chairperson of the Committee;

- b. A representative from the DPWH;
- c. A representative from the DENR;
- d. A professor from the University of the Philippines School of Urban and Regional Planning,
- e. Two (2) representatives from various bicycle organizations; and
- f. A representative from the MMDA.

Within six (6) months following the effectivity of this Act, the Secretary of Transportation shall promulgate the IRR of this Act.

SEC. 28. *Separability Clause.* If any portion or provision of this Act is declared invalid or unconstitutional, the remaining parts or provisions not affected thereby shall remain in full force and effect.

SEC. 29. *Repealing Clause.* — All laws, decrees, executive orders, presidential issuances and other administrative rules and regulations or parts thereof which are inconsistent with this Act are here by repealed, amended, or modified accordingly.

SEC. 30. *Effectivity.* — This Act shall take effect fifteen (15) days after its publication in the Official Gazette or in a newspaper of general circulation.

Approved,