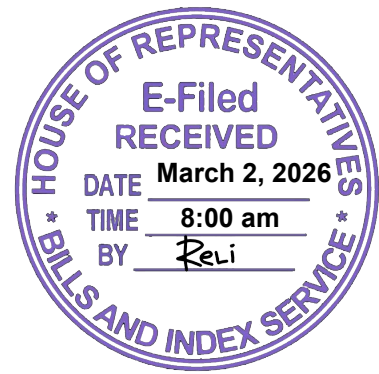


TWENTIETH CONGRESS)
REPUBLIC OF THE PHILIPPINES)
First Regular Session)



HOUSE OF REPRESENTATIVES

*Introduced by Representative Rufus B. Rodriguez and
Representative Maximo B. Rodriguez, Jr.*

House Bill No. 8177

EXPLANATORY NOTE

With the ever increasing prices of petroleum products, more and more Filipinos turn to other modes of transportation that would help them reduce their dependence on oil, which leads them to motorcycles and even bicycles. Also, the heavy reliance on motor vehicles/cars promotes an unhealthy lifestyle and is causing terrible traffic congestion, unnecessary stress, and even countless accidents.

However, while there are benefits produced by shifting to motorcycles and bicycles, it cannot be denied that there are also negative effects. One of this is the increase of accidents involving motorcycles and even bicycles. These accidents are caused by both the motor vehicle driver and the motorcycles and bicycle rider. Motor vehicles tend to have no respect for motorcycles and bicycles and would ignore them on the streets while motorcycles and bicycles tempt faith by weaving thru traffic undisciplined and without any concern for their fellow motorists. Also, these motorcycles and bicycles tend to ignore traffic laws and would enter one way streets, go against the flow of traffic and would ignore traffic lights.

One solution to this is to designate a motorcycle and bicycle lane in all the streets in the country. A motorcycle and bicycle lane would instill discipline and ensure that these motorcycles and bicycles stay where they ought to be on the streets and hopefully prevent accidents and encourage motorists to shift to motorcycles and bicycles and lessen the country's dependence of petroleum products and help preserve the environment that we have.

In view of the foregoing, immediate passage of this bill is earnestly requested.


RUFUS B. RODRIGUEZ


MAXIMO B. RODRIGUEZ, JR.

HOUSE OF REPRESENTATIVES

*Introduced by Representative Rufus B. Rodriguez and
Representative Maximo B. Rodriguez, Jr.*

House Bill No. 8177

AN ACT

**REGULATING THE USE OF BICYCLE AS AN ALTERNATIVE MODE OF
TRANSPORTATION, DEFINING THE RIGHTS OF BICYCLE RIDERS, ESTABLISHING
REQUISITE INFRASTRUCTURE FACILITIES, AND APPROPRIATING FUNDS 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 “*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) Protect the welfare and safety of the commuting public and all road users;
- b) Promote a shift towards a safe, collective, efficient, non-congestive, and non-pollutive 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
- 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. – as used in this Act,

- a) *Bicycle or bike* refers 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 bikeway* refers to any longitudinal strips designated for the passage of a bicycle;
- c) *Cyclist* refers to a person who drives or operates a bicycle;
- d) *Motor vehicle* refers to any vehicle driven by a motor or engine and operates on a road or highway; and
- e) *Primary and secondary roads* refer to major roads classified as such by the Department of Public Works and Highways (DPWH).

SEC. 4. Inclusion of Bicycle as A 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 DPWH and National Economic and Development Authority (NEDA), shall come up with a National Bike Program, hereinafter referred to as the Program. The Program shall provide a roadmap for both 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. 5. *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 bicycle infrastructures; and
- f) Conduct education and information drives on the benefits of using bicycles in coordination with the Land Transportation Office (LTO) 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, subject to the personnel services (PS) limitations provided for under Section 325 (a) of Republic Act No. 7160 or the Local Government Code of 1991.

SEC. 6. *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 a physical barrier and shall be clearly identified with signs or pavement markings. In cases where the installation of a physical barrier is not feasible, the lane for bicycles shall be identified through reflectorized yellow painted lines. The specifications and designs of bicycle lanes, which must conform to the standards adopted by the DOTr and DPWH, shall be provided in the implementing rules and regulations of this Act.

SEC. 7. *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 shall be secured, visible, accessible, and segregated from pedestrians and motor vehicles.

SEC. 8. *Other Related Bicycle Facilities.* – In addition to the bike lanes and bike parking, the following facilities shall be provided to ensure that cyclists 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. 9. *Bike Parks.* – Each city or municipality, through the LBO and the City or Municipal Engineers Office, are encouraged to create and establish a bicycle park where facilities such as bikeways, bicycle parking areas and similar infrastructure are available. The bicycle parks may be funded by the local government unit concerned through their respective revenues raised from the miscellaneous incomes like parking and license fees.

SEC. 10. *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 designated bicycle lane or bikeway or any public road or street that has no designated bikeway unless, by law or regulation, there is a specific prohibition that such road or street cannot be used for bicycles; and
- c) the rights granted to drivers of motorized vehicles, except those that by their nature are inapplicable, while riding a bicycle on a bikeway.

SEC. 11. *Obligations and Responsibilities of Cyclists.* – Every cyclist must comply the following duties and obligations, in addition to such other responsibilities as may be provided for in the National Bike Program:

- a) Ensure that the bicycle is fully-equipped with basic bike accessories and in good running condition at all times and before using the same;
- b) Make sure to be equipped with basic protective gear such as a helmet and other accessories such as reflectors and bike lights while riding a bicycle; and
- c) Adhere to the applicable traffic rules and traffic signs and drive responsibly with extreme care and caution.

SEC. 12. *Limitations on the Use of Bicycles.* – The use of bicycles shall be subject to the following limitations and such other limitations as may be provided in the National Bike Program:

- a) The number of persons that shall ride a bicycle shall not exceed the designed capacity of the same except when another regular seat is attached to it or when the bicycle is used to tow a trailer;
- b) Any person riding a bicycle shall observe safe and proper road usage at all times, including the regulations stipulated under this act, to ensure the person's safety and that of other motorists;
- c) Bicycles may not be parked in areas other than those specifically designated as such by the LBO, except in the absence thereof;
- d) A cyclist shall use the designated bicycle lanes for safe navigation or the rightmost lane when there is no designated bicycle lane. Except in certain circumstances as may be provided in the implementing rules and regulation of this act or by the LBO, a cyclist shall not use a bicycle on any sidewalk; and
- e) A cyclist shall not carry anything on the bicycle that will prohibit its proper operation. The carriage of such things in a bicycle shall be placed in a basket, bag, rack or trailer designed for that purpose in a manner that they can be carried safely.

SEC. 13. *Obligation of Cyclists to Remain in the Bicycle Lane; Exceptions.* – Every person riding a bicycle upon a designated bikeway shall remain inside such lane, exercising due care when passing a standing vehicle or a vehicle proceeding in the same direction. However, a cyclist riding a bicycle upon a bikeway may move out of the lane under any of the following circumstances:

- a) Whenever overtaking or passing another bicycle, vehicle or pedestrian within the lane or occupying the bike lane if such overtaking or passing cannot be done safely within the lane;
- b) When preparing for a turn at an intersection or exiting into another road or driveway; and
- c) When reasonably necessary to leave the bicycle lane to avoid debris or hazardous conditions.

SEC. 14. *Flagging of Unsafe or Ill-equipped Bicycles and Dangerous Driving.* – A uniformed police officer or any deputized traffic officer may stop, inspect, and test drive a bicycle that is suspected to be unsafe or improperly equipped. Such officer may also stop any cyclist operating a bicycle in a reckless or dangerous manner.

SEC. 15. *Operation of Bicycle on Roads Without Designated or Exclusive Bike Lanes; Overtaking Distance Requirement.* – In the case of roads without designated bicycle lanes, all cyclists must occupy the rightmost lane of the road.

The driver of a motor vehicle overtaking or passing a bicycle traveling in the same direction shall maintain a minimum overtaking distance of one and a half meter (1.5m) between any part of such motor vehicle and any part of the bicycle or the cyclist: *Provided, however,* That the DOTr may, in consultation with the DPWH, representatives of cyclist organizations and other stakeholders, provide in the rules and regulations to be issued to implement this Act exceptions to the minimum overtaking distance or a lesser requirement on certain roads taking into consideration the width of the road, the volume of vehicular traffic and other circumstances affecting the movement of road users.

SEC. 16. *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. 17. *Incentives.* – In order to encourage the use of bicycle as a mode of transportation, this Act grants the following tax reliefs and benefits:

a) Expenses incurred by employers in providing their employees by way of benefits bicycles, related equipment and bike-friendly facilities shall be deductible in full from their gross income;

b) All grants, bequests, endowments, expenses, contributions made to and used actually, directly and exclusively by companies, business establishments, and other institutions for bike-friendly programs and bicycle facilities shall be considered as allowable deductions from gross income; and

c) Bicycles granted by employers to its managerial and supervisory employees in compliance with this Act shall not be taxable as fringe benefits as provided for under Republic Act No. 8424 or the Tax Reform Act of 1997.

Any provision of law to the contrary notwithstanding, foreign and local enterprises engaged or proposing to engage in the manufacturing or assembly of bicycles may avail of the incentives provided under Title XIII (Tax Incentives) of the National Internal Revenue Code of 1997, as amended.

SEC. 18. *External Financing.* – The DOTr shall, in coordination with the Department of Environment and Natural Resources (DENR) and Department of Finance (DOF), explore the possibility of accessing a range of global financial sources to support the creation and maintenance of sustainable or less-polluting public transport systems.

SEC. 19. *Observance of the Carless Day.* – To promote the use of bicycles, the country shall participate in the annual celebration of World Car-Free Day by designating every second Sunday of September as a carless day. The country shall also observe a 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. 20. *Penalties.* – The following penalties shall be imposed upon the persons who act in violation of this Act:

a) Unless otherwise specifically provided, 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 works official who is duty-bound or responsible for providing the required bicycle lane marking on existing primary or secondary roads and highways but refuses or fails to do so.

c) Any person who shall violate Section 16 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 (P 20,000.00) 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 every five (5) years in the amount not exceeding ten percent (10%) of the existing rates which shall take effect fifteen (15) days 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. 21. *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 cyclists, traffic enforcers, motorists, and all road users. The program shall include:

- a) Traffic education and enforcement;
- b) Motorist Awareness and Road-Sharing; and
- c) Bicycle and pedestrian safety.

SEC. 22. *Nationwide Public Information Campaign.* – The DOTr and its attached agencies shall, in coordination with the Philippine Information Agency (PIA), DEPED, CHED, Department of the Interior and Local Government (DILG), Department of Health (DOH), Philippine National Police (PNP), Metropolitan Manila Development Authority (MMDA) and private agencies and organizations, undertake a nationwide information, education and communication campaign for a period of six (6) months upon the promulgation of the rules and regulations implementing the provisions of this Act.

SEC. 23. *Appropriations.* – The amount necessary for the implementation of this Act shall be included in the annual General Appropriations Act. The LGUs concerned may provide the necessary funds for the operations and maintenance of the LBO in their respective annual budgets.

SEC. 24. *Implementing Rules and Regulations.* – Not later than thirty (30) days after this Act takes effect, a Committee shall be convened to formulate rules and regulations for the efficient implementation of this Act. The Committee shall be composed of the following as ex-officio members:

- a) Secretary of Transportation or the Secretary's authorized representative, who shall serve as Chairperson of the Committee;
- b) Secretary of Public Works and Highways or the Secretary's authorized representative
- c) Secretary of the Interior and Local Government or the Secretary's authorized representative;

- d) representative of the LTO;
- e) representative of the DENR;
- f) representative of the DOH;
- g) representative of the Department of Trade and Industry;
- h) representative of the DOLE;
- i) representative of the DOF;
- j) representative of the Department of Budget and Management;
- k) representative of the NEDA;
- l) representative of the Bureau of Internal Revenue;
- m) representative of the DepEd;
- n) representative of the CHED;
- o) representative of the University of the Philippines National Center for Transportation Studies;
- p) professor of the University of the Philippines School of Urban and Regional Planning;
- q) representative of the PNP;
- r) representative of the MMDA; and
- s) Two (2) representatives from bicycle organizations

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

SEC. 25. *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. 26. *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 hereby repealed, amended or modified accordingly.

SEC. 27. *Effectivity.* – This Act shall take effect fifteen (15) days after its publication in the Official Gazette or in a newspaper of general circulation.

Approved,